



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, WEDNESDAY, MAY 21, 2014

No. 77

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Thank you, dear God, for the gift of this day and for the opportunity to serve both You and country. We are not worthy of the least of Your blessings, yet You give us the privilege of working to keep our Nation strong.

As our lawmakers this day seek to be responsible stewards of their high calling, make them salt and light to this generation. May, as salt, they help make our world safer and more palatable. May, as light, they eliminate the dark corridors of disunity and contention, replacing them with harmony and civility.

Our Father, this is the day that You have given us to seek to leave our world better than we found it. Use us as instruments of Your glory.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 21, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### CHAPLAIN BARRY BLACK

Mr. REID. Mr. President, I have heard the good Chaplain talk about some of the things we should not do, and one of them is be envious. I try not to be, but I have to admit that every morning I hear his speech I am envious of his voice. I have what I have. It is not much in the way of a voice. Boy, it would be great if I could stand here and give that Dr. Barry Black voice, but I cannot do that. Even though I know it is not the right thing to do, I am still envious of his voice and I will always be.

### JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 92, the Franken Mentally Ill Offender Treatment and Crime Reduction Act.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if any, the Senate will be

in a period of morning business until 12:15 today.

Because of a change in schedule, the Republicans will have their caucus today rather than yesterday as we normally do.

The time until 12:15 will be equally divided and controlled between the two leaders or their designees.

At 12:15 there will be a rollcall vote on the confirmation of the Fischer nomination to be a member of the Federal Reserve Board of Governors. I am happy we are going to get this good man confirmed, but, as I will talk about in a minute, this obstruction is unbelievable. Fischer is going to now be a member of the Federal Reserve Board. He also has been chosen to be the Vice Chair of the Federal Reserve Board.

Janet Yellen, the Chairman of the Federal Reserve Board, has called many of my colleagues saying: Why do we need another vote? I need him here. There are administrative duties—this is a huge organization—waiting to be done.

But we are going to have to go through the cloture process all over again on this man. What a waste of our time—our time—the people's time. Anyway, that is what we are going to do. We are going to vote to confirm him today and then come back at some later time and confirm him to be the Vice Chair. We could not confirm him as Vice Chair first because he is not a member of the Board.

Following that vote, the Senate will be in recess until 2 p.m. today, allowing for the Republican caucus meeting.

At 2:10 there will be up to five rollcall votes in relation to several nominations: cloture on the Barron nomination to be a circuit court judge for the First Circuit; confirmation of the Cook nomination as a member of the Privacy and Civil Liberty Oversight Board; confirmation of the Daly nomination to be U.S. attorney in Connecticut; confirmation of the Green nomination to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S3195

be U.S. attorney for Louisiana; and confirmation of the Martinez nomination to be U.S. attorney in New Mexico.

MEASURE PLACED ON THE CALENDAR—S. 2363

I am told that S. 2363 is due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2363) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. REID. I would object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

#### HARD WORKING SENATORS

Mr. REID. Mr. President, my good friend the Democratic whip, the assistant leader, is seated next to me. He and I came to Washington at the same time many years ago. Judging from what he does, I think he works very hard. The Presiding Officer served with us in the House of Representatives. It is a hard job, the jobs we have. We seek these jobs. They are the choice of our lives. It is an extreme honor to be a Member of the House of Representatives or the Senate, but we have traditionally worked very hard. I have seen it. Our families recognize how hard we work. It is not uncommon for us to wake up in the middle of the night: I should have done that. Then you write yourself a note. This has been going on since we have had a Senate, I am sure.

I have seen Members of Congress work themselves to exhaustion. But I confess, I have never seen some Senators—those Senators on the other side of the aisle—work so hard to do nothing, so little. My Republican colleagues have exerted so much effort to cause nothing to get done. They prefer it that way. They have broken their backs ensuring that nothing happens here on the Senate floor.

Last week was another example of the Democrats' fruitless hard work. The Republicans blocked debate on the bill that would reinstate important and expired tax provisions—tax cuts. This legislation extends tax cuts and helps American families and American businesses as they recover from the recession.

The bill they stopped last week extends current tax provisions that have bolstered students, teachers, workers and employers, American families and businesses, saving money and growing our economy.

Listen to this. Now the Republicans are against tax breaks. They have been against extended unemployment benefits in recent weeks. They have been against raising the minimum wage. They have been against pay equity. They deny climate change. Now they have added a new one to that. They are against tax cuts. It is hard to com-

prehend how hard they work to get nothing done.

Stunningly—listen to this one—stunningly, some of the very Republicans who helped craft the legislation that they killed helped filibuster the bill. The primary Republican who negotiated this, the ranking member of the Finance Committee, voted against his own bill. That is what I said. It is true. Republicans are voting against their own legislation again. For what? To stop President Obama from accomplishing anything. That is what they set out to do 5½ years ago. They have stuck to that, to the detriment of the American people.

We have a letter signed by 152 different organizations—152. That is pretty stunning. There are so many names on this, it takes three or four pages to get all of the names. I ask unanimous consent to have this list printed in the RECORD at the conclusion of my remarks. There are conservative organizations such as the U.S. Chamber of Commerce, the National Association of Manufacturers—two of the most conservative organizations in the world, certainly in our country, but they are joined by 150 others saying: We want tax breaks. Everybody in America wants them. Democrats want them. Independents want them. Republicans want them; that is, Republicans who are located everywhere except in the Congress of the United States.

Now we have a new one. The Republicans in Congress are against tax breaks. So what have they accomplished? Nothing but bringing anxiety to the American people, businesses, individuals, and certainly hurting our economy. They continue to obstruct. They have broken my legislative heart so many times.

Yesterday afternoon, in a couple of conversations here with the Republicans, they said they are going to try to do this. They are going to meet with their caucus today. Well, that caucus has ruined a lot of legislation. I hope the people I talked to are strong and emphatic in saying: It is not good for the country, and it is certainly not good for this body. We need to move forward and get certain things done, some things done.

So I hope that my legislative heart is not broken again, that I can respond to the people of Nevada that we are going to have a tax deduction and subsidies for transit. We have a lot of transit now. In the wisdom of the Congress, we created a tax break for those people who take the trains, subways, monorails, and buses.

The Presiding Officer has worked really his entire career to do something about the environment. That tax break I talked about is part of what the Presiding Officer has always advocated: Let's do what we can to get people off the highways to reduce pollution.

We have in this bill something for Nevada that gives—it is not for Nevada; it is for everybody—that sales tax is a deductible item.

We have not been able to bring up these tax breaks. There are many other things all across this country.

Tax cuts—that is what the Republicans have stopped. So I hope the few Republicans I talked to yesterday will be extremely strong in their caucus and say: This is the right thing for the country. We have done enough to try to embarrass the President. Let's try to do something that helps our people in all 50 States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 20, 2014.

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: The undersigned organizations urge the U.S. Senate to pass the EXPIRE Act as soon as possible. The EXPIRE Act will extend the tax provisions that expired at the end of 2013. These tax provisions benefit a wide range of taxpayers, including associations, businesses, individuals, community development organizations and non-profit organizations and are important to U.S. jobs and the broader economy.

The lack of timely action to extend these provisions injects instability and uncertainty into the economy and weakens confidence in the employment marketplace. Moreover, the extension of the expired provisions should not be delayed until the end of the year since companies are making decisions right now related to taxes that will have an immediate impact on the economy.

We urge you to pass these important tax provisions as soon as possible.

Sincerely,

Advanced Biofuels Association (ABFA), Advanced Energy Economy, Advanced Ethanol Council (AEC), Aerospace Industries Association, Affordable Housing Tax Credit Coalition, Algae Biomass Organization, Alternative Simplified R&D Credit Coalition, American Apparel & Footwear Association, American Beverage Association, American Biogas Council, American Chemistry Council, American Coatings Association, American Council of Life Insurers, American Farm Bureau Federation, American Foundry Society, American Institute of Architects, American Iron and Steel Institute, American Wind Energy Association, Arizona Manufacturers Council, Arizona Technology Council.

Asphalt Roofing Manufacturers Association (ARMA), Associated Equipment Distributors, Association of Equipment Manufacturers (AEM), Austin Technology Council, Automation Alley, Biotechnology Industry Organization, BSA | The Software Alliance, Business Roundtable, California Manufacturers & Technology Association, California Taxpayers Association, California Wind Energy Association, Chesapeake Regional Tech Council, Colorado Cleantech Industries Association (CCIA), Colorado Technology Association, Composite Lumber Manufacturers Association (CLMA), Connecticut Technology Council, Council for Affordable and Rural Housing.

CSH (formerly Corporation for Supportive Housing), CTIA—The Wireless Association, Extruded Polystyrene Foam Association (XPSA), Feeding America, Fiber to the Home Council Americas, Financial Executives International, General Aviation Manufacturers Association, Geothermal Energy Association, Growth Energy, Housing Advisory Group, ICPI, the Interlocking Concrete Pavement Institute, Idaho Technology Council, Illinois Technology Association (ITA), INDA, Association of the Nonwoven Fabrics Industry, Independent Sector, Information Technology Industry Council (ITI), International

Franchise Association, International Sign Association, Interwest Energy Alliance, ISSA—the Worldwide Cleaning Industry Association.

ITTA—the Voice of Mid-Size Telecommunications Carriers, Kcnext—The Technology Council of Greater Kansas City, Land Trust Alliance, LIHTC Working Group, Local Initiatives Support Corporation (LISC), Massachusetts Housing Investment Corporation, Massachusetts Technology Leadership Council (MassTLC), Metals Service Center Institute, Metroplex Technology Business Council, Minnesota High Tech Association (MHTA), Motor & Equipment Manufacturers Association, National Air Transportation Association, National Association of Electrical Distributors, National Association of Home Builders, National Association of Manufacturers, National Association of State and Local Equity Funds (NASLEF), National Association of State Energy Officials, National Automatic Merchandising Association (NAMA).

National Automobile Dealers Association, National Biodiesel Board, National Business Aviation Association, National Cable & Telecommunication Association, National Council of State Housing Agencies, National Development Council, National Employment Opportunity Network, National Farmers Union, National Foreign Trade Council, National Housing and Rehabilitation Association.

National Housing Conference, National Housing Trust, National Hydropower Association, National Lime Association (NLA), National Marine Manufacturers Association, National Multi Housing Council, National Propane Gas Association, National Restaurant Association, National Retail Federation, National Rural Housing Coalition, National School Transportation Association, National Shooting Sports Foundation, National Tooling and Machining Association, Natural Resources Defense Council, New Jersey Technology Council, New Markets Tax Credit Coalition, New Mexico Technology Council, NMTC Working Group, North American Die Casting Association, North Carolina Technology Association, Northeast Ohio Software Association, Northeast Pennsylvania Manufacturers and Employers Association, Northern Virginia Technology Council (NVTC), NPES The Association for Suppliers of Printing, Publishing and Converting Technologies, Outdoor Power Equipment Institute, Pharmaceutical Research and Manufacturers of America, Pittsburgh Technology Council, Precision Machined Products Association.

Precision Metalforming Association, R&D Credit Coalition, Renewable Northwest, Research!America, Rhode Island Manufacturers Association, Roof Coatings Manufacturers Association (RCMA), Securities Industry and Financial Markets Association (SIFMA), Semiconductor Equipment & Materials International (SEMI), Semiconductor Industry Association, Silicon Valley Leadership Group, Silicon Valley Tax Directors Group, Software and Information Industry Association, Software Finance and Tax Executives Council, SPI: The Plastics Industry Trade Association, Tech Council of Maryland, TechAmerica, powered by CompTIA, TechMaine, TechNet, Technology Association of Georgia, Technology Association of Iowa.

Technology Association of Louisville Kentucky, Technology Association of Oregon, Telecommunications Industry Association, The National Pasta Association, The Plastic Pipe and Fittings Association, The State Chamber of Oklahoma, The Wind Coalition, U.S. Chamber of Commerce, Union of Concerned Scientists, United Motorcoach Association, United States Council for Inter-

national Business, United States Telecom Association, United Way Worldwide, Utah Technology Council, Volunteers of America, Washington Technology Industry Association (WTIA), West Virginia Manufacturers Association, Wisconsin Technology Council, Work Opportunity Tax Credit Coalition.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 12:15 p.m., with the time equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The majority whip.

#### HEALTH CARE

Mr. DURBIN. Mr. President, yesterday I was visited by several hospitals from Chicago. Mount Sinai is an amazing hospital. It originally—you can tell by its name—was founded by Jewish families living in a section of Chicago. The families have moved on. The remaining population is largely African American and Hispanic. It is a very poor neighborhood. It is a violence-ridden neighborhood. But in an amazing show of magnanimity and charity, many of the Jewish families whose ancestors and predecessors predated them and founded this hospital continue to support Mount Sinai. It is a beacon of quality medical care in one of the toughest, meanest neighborhoods in that great city.

They came to speak yesterday, to meet with me. They just merged with another extraordinary hospital, Holy Cross Hospital in Marquette Park. I have a special affection for this hospital because for decades it was run by the Sisters of St. Casimir, a Lithuanian Catholic order of nuns who devoted their lives first to the Lithuanian population that lived in that neighborhood and then, after that population left, to those who came after them, many of them very poor people.

Mount Sinai and Holy Cross merged, and between the two of them, I can't think of better examples of hospitals with a mission to help the poorest people and to make certain they have care that all of us would like to have for our families. They came yesterday to talk to me about the Affordable Care Act.

There are so many speeches on the floor about the Affordable Care Act. Most of them from the other side of the aisle are entirely negative. But there are some things about the Affordable Care Act which were brought to my attention from these two intercity hospitals which I think we should all look at carefully.

First, they are telling me that at these hospitals more people are showing up and paying. In days gone by, many of those who came in for services

were charity cases. The cost of their service was passed on to everyone else. Now, under the Affordable Care Act, many of these lower-income families have health insurance for the first time in their lives.

I have met some of these families, and I know what it means to them. It was several years ago when I was approached by the chairman of the Cook County board, Toni Preckwinkle, the president, and we asked for a waiver from the Obama administration to enroll families in Cook County in the Medicaid portion of the Affordable Care Act before it actually went into effect.

We were given that waiver. We now have 100,000 individuals in Cook County—low-income individuals—who have Medicaid protection.

This Medicaid protection has allowed them to have quality health insurance for the first time in their lives, in many cases, and also it means when they present themselves for care in hospitals, they are paying. They are paying through the Medicaid program rather than coming in as charity cases.

What we are finding as well is that as more and more Americans have the option of health insurance through the Affordable Care Act, the percentage of Americans who are uninsured has gone down. The share of adults without health insurance declined to 13.4 percent last month from 15.6 percent just a few months before. It is an indication of more and more people in America having the peace of mind that comes with health insurance coverage.

I see the Senator from Kentucky is here, and I know he reserved the floor this morning, and I don't want to take his time.

I also want to make the point as well that as we are bringing in more cost savings in health care through the Affordable Care Act, we are seeing the overall increase in health care costs starting to decline and slow down. That is what we were shooting for—more and more accessibility in coverage, more affordability for those who have that coverage and the overall cost in health care systems starting to come down. It is an experiment which is starting to show good results.

Let me add that as proud as I am to have supported this law, it is not perfect. There are things we need to do to improve it and to refine it. We should do those on a bipartisan basis. That is what we are waiting for.

The House of Representatives has now voted—I believe the number is 50 times—to repeal the Affordable Care Act. I hope they have gotten it out of their system and now will sit down with us and work on a bipartisan basis to make it a better law. We can do that and we should do it together.

So I commend this effort to both sides of the aisle—in the Senate as well as in the House—and I hope that we can achieve something that will make a difference.

I would like to close by mentioning two of my constituents in Illinois before I turn the floor over to the Senator from Kentucky.

Philosophy Walker is a 28-year-old graduate student in biblical studies at the University of Chicago. Her husband Adam is 31 years old and a part-time youth minister. Philosophy's school provides health insurance, but it is \$900 per month for her and her husband. That would require them to take out additional student loans to pay their health insurance while they are in school.

Before moving to Chicago, they were paying \$700 per month for health insurance through COBRA, which is an option for those who have lost health insurance—but an expensive one. The \$700 payment depleted their savings because her husband struggled to find a full-time job. Going without health insurance wasn't an option because Philosophy Walker has some severe allergy problems.

Last November they signed up through the Affordable Care Act exchange and purchased a plan comparable to the COBRA coverage that had cost them \$700 a month, but the plan also included dental insurance, which they never had before.

Philosophy and her husband Adam, under this Affordable Care Act plan, pay \$200 a month. It went from \$700 to \$200. Philosophy also receives her monthly allergy medication for free, rather than the previous \$10 monthly copay.

If we listen to some of the stories on the floor of the Senate, you would never believe this story, but it is true.

I wish also to talk about Laurel Tyler, who runs a small business with her husband in Illinois. Because they have two employees and one of the children of one of their employees has asthma, the policies they were sold in the past were extremely expensive.

Because of the Affordable Care Act and the Illinois marketplace, Laurel's business is going to save 20 percent on health care costs, and the 22-year-old son with asthma can stay on the employee's plan. That, to me, is a success story.

Let's build on that success. Let's work together to make this law even stronger.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

#### BARRON NOMINATION

Mr. PAUL. I rise today in opposition to the killing of American citizens without trials. I rise today to oppose the nomination of anyone who would argue that the President has the power to kill an American citizen not involved in combat and without a trial.

I rise today to say that there is no legal precedent for killing American citizens not involved in combat, and that any nominee who rubber stamps and grants such power to a President is

not worthy of being placed one step away from the Supreme Court.

It isn't about just seeing the Barron memos. Some seem to be placated by the fact that: Oh, they can read these memos.

I believe it is about what the memos themselves say. I believe the Barron memos, at their very core, disrespect the Bill of Rights.

The Bill of Rights isn't so much for the American Idol winner, the Bill of Rights isn't so much for the prom queen or the high school football quarterback. The Bill of Rights is especially for the least popular among us. The Bill of Rights is especially for minorities, whether you are a minority by virtue of the color of your skin or the shade of your ideology. The Bill of Rights is especially for unpopular people, unpopular ideas, and unpopular religions.

It is easy to argue for trials for prom queens. It is easy to argue for trials for the high school quarterback or the American Idol winner. It is hard to argue for trials for traitors and for people who would wish to harm our fellow Americans. But a mature freedom defends the defenseless, allows trials for the guilty, and protects even speech of the most despicable nature.

After 9/11, we all recoiled in horror at the massacre of thousands of innocent Americans. We fought a war to tell other countries we would not put up with this and we would not allow this to happen again.

As our soldiers began to return from Afghanistan, I asked them to explain in their own words what they had fought for. To a soldier, they would tell me they fought for the American way. They fought to defend the Constitution, and they fought for our Bill of Rights.

It is a disservice to their sacrifice not to have an open and full-throated public debate about whether an American citizen should get a trial before they are killed.

Let me be perfectly clear. I am not referring to anybody involved in a battlefield, anybody shooting against our soldiers. Anybody involved in combat gets no due process.

What we are talking about is the extraordinary concept of killing American citizens who are overseas but not involved in combat. It doesn't mean that they are not potentially—and probably are—bad people, but we are talking about doing it with no accusation, no trial, no charge, and no jury. The nomination before us is about killing Americans not involved in combat.

The nominee, David Barron, has written a defense of executions of American citizens not involved in combat. Make no mistake, these memos do not limit drone executions to one man. These memos become historic precedent for killing Americans abroad.

Some have argued that releasing these memos is sufficient for his nomination. This is not a debate about transparency. This is a debate about

whether or not American citizens not involved in combat are guaranteed due process.

Realize that during the Bush years, most of President Obama's party—including the President himself—argued against the detention—not the killing—of American citizens without a trial. Yet now the President and the vast majority of his party will vote for a nominee who advocates the killing of American citizens without trial. How far have we come? How far have we gone? We were once talking about detaining American citizens and objecting that they would get no accusation and no trial. Now we are condoning killing American citizens without a trial.

During President Obama's first election, he told the Boston Globe:

No. I reject the Bush administration's claim that the President has plenary authority under the Constitution to detain U.S. citizens without charges as unlawful combatants.

As President, not only has he signed legislation to detain American citizens without trial, but he has now approved of killing American citizens without a trial. Where has candidate Obama gone?

President Obama now puts forward David Barron, whose memos justify killing Americans without a trial. I can't tell you what he wrote in the memos; the President forbids it. I can tell you what Barron did not write. He did not write or cite any legal case to justify killing an American without a trial because no such legal precedent exists. It has never been adjudicated. No court has ever looked at this. There has been no public debate because it has been held secret from the American people.

Barron creates out of whole cloth a defense for executing American citizens without trial. The cases he cites—which I am forbidden from talking about, which I am forbidden from citing today—are unrelated to the issues of killing American citizens because no such cases have ever occurred. We have never debated this in public. We are going to allow this to be decided by one branch of government in secret.

Yet the argument against the Barron memo, the argument against what Barron proposes should be no secret and should be obvious to anyone who looks at this issue. No court has ever decided such a case. So Barron's secret defense of drone executions relies on cases which, upon critical analysis, have no pertinence to the case at hand.

Am I the only one who thinks that something so unprecedented as an assassination of an American citizen should not be discussed, that we should discuss this in the light of day. Am I the only one who thinks that a question of such magnitude should be decided in the open by the Supreme Court?

Barron's arguments for the extrajudicial killing of American citizens challenges over 1,000 years of jurisprudence. Trials based on the presumption of innocence are an ancient

rite. The Romans wrote that the burden of proof is on he who declares, he who asserts that you are guilty, not on he who denies. The burden is on the government.

We describe this principle as the principle of being considered innocent until guilty. This is a profound concept. This is not something we should quietly acquiesce to having it run roughshod on or diluted and eventually destroyed.

In many nations the presumption of innocence is a legal right to the accused, even in the trial. In America we go one step further to protect the accused. We place the burden of proof on the prosecution. We require the government to collect and present enough compelling evidence to a jury—not to one person who works for the President, not to a bunch of people in secret, but to a public jury. The evidence must be presented.

But then we go even further to protect the possibility of innocence. We require that the accused be guilty beyond reasonable doubt. If reasonable doubt remains, the accused is to be acquitted.

We set a very high bar for conviction and an extremely high bar for execution, and even doing all of the most appropriate things, we still sometimes have done it wrong and have executed people after jury trials mistakenly, erroneously. But now we are talking about not even having the protection of a trial. We are talking about only accusations.

Are we comfortable killing American citizens no matter how awful or heinous the crime they are accused of? Are we comfortable killing them based on accusations that no jury has reviewed?

Innocent until proven guilty—the concept—is tested. We are being tested. It is being tested when the consensus is that the accused is very likely guilty in this case. The traitor who was killed, in all likelihood, was guilty. The evidence appears to be overwhelming. Yet why can't we do the American thing—have a public trial, accuse them, and convict them in a court?

It is more difficult to believe in the concept of innocent until proven guilty when the accused is unpopular or hated. The principle of innocent until proven guilty is more difficult when the accused is charged with treason. The Bill of Rights is easy to defend when we like the speech or sympathize with the defendant. Defending the right of trial for people we fear or dislike is more difficult. It is extremely hard. But we have to defend the Bill of Rights or it will slip away from us.

It is easy to support a trial for someone who looks like you, for someone who has the same color skin, or for someone who has the same religion. It is easy. Presumption of innocence is, however, much harder when the citizen practices a minority religion, when the citizen resides in a foreign land or sym-

pathizes with the enemy. Yet our history is replete with examples of heroes who defended the defenseless, who defended the unpopular, who sometimes defended the guilty.

We remember John Adams, when he defended the British soldiers—the ones who were guilty of the Boston massacre. We remember fondly people who defend the unpopular, even when they end up being declared guilty, because that is something we take pride in—our system. We remember his son John Quincy Adams when he defended the slaves who took over the Amistad. We remember fondly Henry Selden who defended the unpopular when he represented Susan B. Anthony, who voted illegally as a woman. We remember fondly Eugene Debs who defended himself when he was accused of being against the draft and against World War I and was given 10 years in prison.

We defend the unpopular. That is what the Bill of Rights is especially important for. We remember fondly Clarence Darrow who defended the unpopular in the Scopes monkey trial. We remember fondly Thurgood Marshall who defended the unpopular when he convinced the Supreme Court to strike down segregation.

Where would we be without these champions? Where would we be without applying the Bill of Rights to those we don't like, to those we don't associate with, to those who we actually think are guilty?

Where would the unpopular be without the protection of the Bill of Rights?

One can almost argue that the right to trial is more precious the more unpopular the defendant. We cannot and we should not abandon this cherished principle.

Critics will argue these are evil people who plot to kill Americans. I don't dispute that. My first instinct is, like most Americans, to recoil in horror and want immediate punishment for traitors. I can't stand the thought of Americans who consort with and advocate violence against Americans. I want to punish those Americans who are traitors. But I am also conscious of what these traitors have betrayed. These traitors are betraying a country that holds dear the precept that we are innocent until proven guilty. Aren't we, in a way, betraying our country's principles when we relinquish this right to a trial by jury?

The maxim that we are innocent until proven guilty is in some ways like our First Amendment which presumes that speech is okay. It is easy to protect complimentary speech. It is easy to protect speech you agree with. It is harder to protect speech you abhor. The First Amendment is not so much about protecting speech that is easily agreed to; it is about tolerating speech that is an abomination. Likewise, the Fourth, the Fifth, and the Sixth Amendments are not so much about protecting majorities of thought, religion or ethnicity. Due process is

about protecting everyone, especially minorities.

Unpopular opinions change from generation to generation. While today it may be burqa-wearing Muslims, it has, at times, been yarmulke-wearing Jews. It has, at times, been African Americans. It has, at times, been Japanese Americans. It is not beyond belief that someday evangelical Christians could be a persecuted minority in our own country.

The process of determining guilt or innocence is an incredibly important one and a difficult one. Even with a jury, justice is not always easily discovered. One has only to watch the jurors deliberate in "Twelve Angry Men" to understand that finding justice, even with a jury, is not always straightforward. Today, virtually everyone sympathizes with Tom Robinson who was unfairly accused in "To Kill a Mockingbird" because the reader knows that Robinson is innocent, because the reader knows his accusation was based on race. It is a slam dunk. It is easy for all of us to believe that he should get a trial.

It is easy to object to vigilante justice when you know the accused is innocent. When the mob attempts an extrajudicial execution, we stand with Atticus Finch. We stand for the rule of law. But what of an American citizen who, by all appearances, is guilty; what of an American citizen who, by all appearances, is a traitor, who we all agree deserves punishment? Are we strong enough as a country to believe still that this person should get a trial?

Do we have the courage to denounce drone executions as nothing more than sophisticated vigilantism? How can it be anything but vigilantism? Due process can't exist in secret. Checks and balances can't exist in one branch of government. Whether it be upon advice of 1 lawyer or 10,000 lawyers, if they all work for one man—the President—how can it be anything but a verdict outside the law—a verdict that could conceivably be subject to the emotions of prejudice and fear; a verdict that could be wrong? This President, above all other Presidents, should fear allowing so much power to gravitate to one man.

It is admittedly hard to defend the right to a trial for an American citizen who becomes a traitor and appears to aid and abet the enemy, but we must. If we cannot defend the right to trial for the most heinous crimes, then where will the slippery slope lead us? The greatness of American jurisprudence is that everyone gets his or her day in court, no matter how despicable the crime they are accused of.

Critics say: How would we try these Americans? They are overseas. They won't come home. The Constitution holds the answer. They should be tried for treason. If they refuse to come home, they should be tried in absentia. They should be given the right to a legal defense. It should be provided. There should be an independent legal

defense that does not work for the government. If they are found guilty, the method of punishment is not the issue. The issue is, and always has been, the right to a trial, the presumption of innocence, and the guarantee of due process to everyone.

For these reasons I cannot support the nomination of David Barron. Even if the administration releases a dozen Barron memos, I cannot support Barron. The debate is not about partisan politics. I have supported many of the President's nominees. The debate is not about transparency. It is about the substance of the memos. I cannot and will not support the lifetime appointment of someone who believes it is OK to kill an American citizen not involved in combat without a trial.

Some will argue and say: The President, yesterday, has now changed his mind. He is going to release these memos to the public. Well, if that is true, why don't we wait on the vote and let the public read the memos? Why don't we have a full-throated debate over this? Why don't we actually see what the public thinks about the right to trial by jury? One would think that something we have had for over a thousand years deserves a bit of debate. Wouldn't you think we would at least take the time? Realize, this is not the position of the administration, this is the position of the administration now that it is relenting to the verdict of the Second Circuit Court. They are releasing this memo under duress. My guess is they are releasing this memo because they need a few more votes, and they will get a few more votes by releasing these memos to the public—or promising to release these memos. They will not be released—the memos justifying the killing of an American without a trial—will not be released before the vote takes place.

So the question is, Is this transparency good enough for you to cast aside the whole concept of presumption of innocence, the whole concept that an accusation is different than a conviction?

There has been much discussion of what due process is, and as we have looked at this debate there are some valid questions and some good writings on this. Conor Friedersdorf has written extensively on this, and he writes about the lawyer who enabled the extrajudicial killing of an American. He asks the question, Should the Constitution be entrusted to a man—and this is essentially what happens; the Constitution will be entrusted to an appellate court judge—should the Constitution be entrusted to a man who thinks Americans can be killed without due process?

The Fifth Amendment, Conor Friedersdorf says, is very clear. No person shall be held to answer for a capital or otherwise infamous crime unless upon the presentment or indictment of a grand jury. It doesn't say except or on presentment of an accusation by the executive branch without a trial. The

Fifth Amendment actually says, "Nor shall any person be deprived of life, liberty or property without due process."

The question is, What is due process? One would think this would be pretty clear and there wouldn't be much dispute over due process. But listen to some of these descriptions. This is the description Glenn Greenwald writes about in describing both the Bush and the Obama administrations. He says:

The core of the distortion on the war on terror under both Bush and Obama is the Orwellian practice of equating government accusation of terrorism with proof of guilt.

Realize what we are talking about. There is a big difference between an accusation and a conviction. If we want to realize how important this is, there are Senators on the other side of the aisle who have called Senators on this side of the aisle terrorists on multiple occasions. Who are we potentially going after with these directives toward killing? People who are either senior operatives of Al-Qaeda—of which there are no membership cards, so that is somewhat open to debate—but we are also going after people who are associated with terrorism.

The definition of terrorism—since on some occasions we have been accused of terrorism by the other side—can be somewhat loose. The Bureau of Justice put out a memo describing some of the characteristics of people who might be terrorists—which might alarm you, if you are traveling overseas: people who are missing fingers, people who have stains on their clothing, people who have changed the color of their hair, people who have multiple weapons in their house, people who have more than 7 days worth of food in their house.

These are people you should be suspicious of, according to the government; these are people who might be terrorists; and these are people you should talk to and inform the government about these people.

If these are the definitions of someone who might be a terrorist, wouldn't we kind of want to have a lawyer before the accusation becomes a conviction?

When we talk about conviction, we talk about the conviction or the bar for conviction being beyond a reasonable doubt. One can pretty much think—you can be in a jury pool and pretty much think someone killed someone—you have a suspicion, you have an inclination they are probably guilty, but you are supposed to be so convinced that it is beyond a reasonable doubt. In these memos there is a different standard.

Realize what the standard is of the person whom we will now be appointing to a lifetime appointment—one step away from the Supreme Court. That standard is an assassination is justified when an informed high-level official of the U.S. Government has determined that the targeted individual poses an imminent threat of violent attack against the United States.

We are not talking here about beyond a reasonable doubt anymore. That standard is gone. We are talking about an informed, unnamed high-level official in secret deciding an imminent attack is going to occur.

The interesting thing about an imminent attack is we don't go much by the plain wording of what one would think would be imminent anymore. The memo expressly states it is inventing—this is also from Glenn Greenwald—the memo expressly states it is inventing a broader concept of innocence that is typically not used.

Specifically, the President's assassination power does not require that the United States have clear evidence that a specific attack will take place in the immediate future. So you wonder about a definition of "imminence" that no longer includes the word "immediate."

The ACLU's Jameel Jaffer, as quoted by Glenn Greenwald, explains that the memo redefines the word "imminence" in a way that deprives the word of its ordinary meaning.

When we talk about due process, it is important to understand where due process can occur. Due process has to occur in the open. It has to occur in an adversarial process. If you don't have a lawyer on your side who is your advocate, you can't have due process. Due process cannot occur in secret, but it also can't occur in one branch of government. This is a fundamental misconception of the President.

The President, with regard to either privacy in the fourth amendment or killing American citizens with regard to the fifth amendment, believes that if he has some lawyers review this process, that is due process. This is appalling because this has nothing to do with due process and can in no way be seen as due process.

Some have said: Well, this is a judicial opinion. Barron has written an opinion; he has justified the President's actions. People have also said with regard to the NSA spying case that 15 judges have approved it. Well, the majority of the judges were in secret in the FISA Court, and that is not due process.

But the memo written by David Barron as recounted by Glenn Greenwald is not a judicial opinion. It was not written by anyone independent of the President. On multiple occasions they have justified and the memo argues that due process can be decided by internal deliberations of the executive branch.

The comedian Stephen Colbert mocked this and presented:

Trial by jury, trial by fire, rock, paper scissors, who cares? Due process just means that there is a process that you do.

The current process is apparently, first the president meets with his advisers and decides who he can kill. Then he kills them.

It is actually called "Terror Tuesday" with flashcards and powerpoint presentation.

Noah Feldman, a colleague of David Barron, writes:



... no precedent for the idea that due process could be satisfied by some secret, internal process within the executive branch.

So to those of my colleagues who will come on down here today and just stamp "approval" on someone who I believe disrespects the Bill of Rights, realize that other esteemed professors, other esteemed colleagues at Harvard disagree and that you cannot have due process by a secret internal process within the executive branch.

To those who say, oh, the memos are now not secret, are we going to be promised that from now on this is going to be a public debate and that there will be some form of due process? No. I suspect it will be done in secret by the executive branch because that is the new norm. You are voting for someone who has made this the historic precedent for how we will kill Americans overseas—in secret, by one branch of the administration, without representation based upon an accusation. We have gone from having to be proven guilty beyond a reasonable doubt to an accusation being enough for an execution. I am horrified that this is where we are.

To my colleagues, I would say that to make an honest judgment, you should look at this nomination as if it came from the opposite party. I can promise—and this would absolutely be my opinion, and this isn't the most popular opinion to take in the country—that I would oppose this nomination were it coming from a Republican President.

But what I would ask of my Democratic colleagues is to look deeply within their soul, to look deeply within their psyche and say: How would I vote if this were a Bush nominee? If this were a Bush nominee who had written legal opinions justifying torture in 2007, 2006, 2005, how would I have voted?

I think 90 percent would have voted against and would now vote against a Bush nominee.

This has become partisan and this body has become too partisan. There was a time when there were great believers in the Constitution in this body, and we have degenerated into a body of partisanship. There was a time when the filibuster actually could have stopped this nomination. There was a time when there would have been compromise. There was a time in this body when we would get people more toward the mainstream of legal thought because those on each extreme would be excluded from holding office.

The people who have argued so forcefully for majority vote, for not having the filibuster, are the ones who are responsible now for allowing this nomination to go forward. This nomination would not go forward were it not for the elimination of the filibuster.

Some say about the filibuster: Oh, that was obstructionism.

The filibuster was also in many cases about trying to prevent extremists from getting on the bench. We will now allow someone who has an extreme

point of view, someone who has questioned whether guilt must be determined beyond a reasonable doubt, someone who now says that an accusation is enough for the death penalty. Now, that person may say: Only if you are overseas. Well, some consolation if you are a traveler.

What I would say is we need to think long and hard and examine this nomination objectively as if this were a nomination from a President of the opposite party. We need to ask ourselves: How precious is the concept of presumption of innocence? How precious are our Bill of Rights?

We need to examine—and it is hard when you know someone is guilty, when you have seen the evidence and you feel that this person deserves punishment. I sympathize with that and think that this person did deserve punishment. But I also sympathize so greatly with the concept of having a jury trial, so greatly that an accusation is different from a conviction, that I can't allow this to go forward without some objection. I hope this body will consider this and will reconsider this nomination.

At the appropriate time I will offer a unanimous consent request to delay the David Barron nomination until the public has had a chance to read his memo. I will return at an appropriate time, and we will offer that as a unanimous consent.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HEITKAMP). Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. PAUL. I ask unanimous consent that the cloture motion on the nomination of David Barron to be U.S. circuit judge be delayed until such time that the public can review documents that are now being promised to be revealed by the President, that have not yet been revealed. So I ask that we delay until such time that the public can review the text of his memos on the use of targeted force against Americans.

The PRESIDING OFFICER. Is there objection?

Mr. MARKEY. Objection.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. The Senator from Oregon.

#### BARRON NOMINATION

Mr. WYDEN. Madam President, it wasn't very long ago when the Senator

from Kentucky and I were on the floor talking about drones, and I want to make sure it is understood that Senator PAUL's passion, intellectual rigor, and devotion to these issues of liberty and security—which he and I have worked on together now for a number of years—is much appreciated.

I come to the floor today to address the issue Senator PAUL and I have discussed in the past, and that is how vigorous oversight—and particularly vigorous oversight over the intelligence field—needs more attention. It is not something we can minimize. It goes right to the heart of the values the Senator from Kentucky and I and others have talked about, and that is liberty and security are not mutually exclusive. We can have both.

The Senator from Kentucky and I often joke about how the Senate would benefit from a Ben Franklin caucus. Ben Franklin famously said, in effect, that anybody who gives up their liberty for security doesn't deserve either.

The Senator from Kentucky and I have certainly had some disagreements from time to time on a particular judicial nomination, but I thank him for his time this morning, and I thank him for the opportunity we have had over the years to make the case about how important these issues are. The American people ought to insist that their elected officials put in place policies which ensure we have both liberty and security. I thank the Senator from Kentucky for that, and I have some brief remarks this morning.

Of course, the Senate is going to vote on the nomination of David Barron to serve as a judge for the First Judicial Circuit. His nomination has been endorsed by a wide variety of Americans, including respected jurists from across the political spectrum.

Mr. Barron has received particularly vocal endorsements from some of our country's most prominent civil rights groups. Of course, the aspect of his record that has perhaps received the closest scrutiny in recent weeks is his authorship of a legal opinion regarding the President's authority to use military force against an individual who is both a U.S. citizen and senior leader of Al-Qaeda. I am quite familiar with this particular memo.

The executive branch first acknowledged its existence 3 years ago in response to a question I asked at an open hearing of the Senate Select Committee on Intelligence. I followed up by working with my colleagues and pressing the executive branch to provide this memo to the intelligence committee.

This month, of course, the administration made this memo available to all Members of the Senate. Executive branch officials have now said they will provide this memo to the American people as well. This is clearly, in my view, a very constructive step, and I am going to vote yes on Mr. Barron's nomination.

I want to take a minute to outline that this whole matter is about much

more than a single memo. It drives home how incredibly important vigorous congressional oversight is, which is, of course, the mission of the intelligence committee, and it is the mission of all of us.

In his classic work on democratic government, Woodrow Wilson wrote that conducting oversight was one of the most important functions of Congress. He suggested it might be more important than passing legislation. Woodrow Wilson wrote:

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees.

He added that Congress must examine “the acts and disposition” of the executive branch and “scrutinize and sift them by every form of discussion.” Woodrow Wilson said if the Congress failed in this duty, then the American people would remain ignorant “of the very affairs which it is most important that [they] understand and direct.”

Woodrow Wilson might not have been able to anticipate the size and scale of the modern national security apparatus, but I believe his words are as true today as they were a century ago.

As the elected representative of nearly 4 million Americans, I have spent years now working from the theory that all of us in the Senate have an obligation to understand how the executive branch is interpreting the President's authority to use military force against Americans who have taken up arms against our Nation. I have long believed it is my obligation to make sure that those I am honored to represent in Redmond, Troutdale, and Dallas, and all across Oregon, understand that as well. I believe every American has the right to know when their government believes it is allowed to kill them.

In the case in question, as I have said before, I believe the President's decision to authorize a military strike in those particular circumstances was legitimate and lawful. I have detailed my views on this case in a letter to the Attorney General that is posted on my Web site.

I agree with the conclusion Mr. Barron reached in what has now certainly become a famous memo. To be clear, while I agree with the conclusion, this is not a memo I would have written. It contains, in effect, some analytical leaps I would not endorse. It jumps to several conclusions, and it certainly leaves a number of important questions unanswered.

I am hopeful that making this memo public will help generate the public pressure that is needed to get those additional questions answered. I am talking here about fundamental questions, such as: How much evidence does the President need to determine that a particular American is a legitimate target for military action? Can the President strike an American anywhere in the world? What does it mean to say that capture must be “infeasible”? And ex-

actly what other limits and boundaries apply to this authority?

Mr. Barron was not asked to answer these questions, but it is my view it is vitally important that the American people get answers to those questions. In my view, those questions are essential to understanding how Americans' constitutional rights will be protected in the age of 21st century warfare, and I am going to stay at it until the American people get answers to those questions.

In addition to getting detailed public answers to these matters, another important step will be for the Congress to review the other Justice Department memos regarding the President's authority to use military force outside of an active war zone. Clearly, the most important memos on this topic are the ones the Congress has now seen regarding the use of lethal force against Americans, but it is also going to be important for the Senate to review the memos on other aspects of this authority as well.

The past few years have shown when the public is allowed to see and debate how our government interprets the law, it has led to meaningful changes in terms of ensuring that there are additional protections for privacy and civil liberties without sacrificing our country's security at a dangerous time.

It is unfortunate that it took Mr. Barron's nomination for the Justice Department to make these memos public. I will say it has been frustrating over the past few years to see the Justice Department's resistance to providing Congress with memos that outline the executive branch's official understanding of the law. When Mr. Barron was the head of the Justice Department's Office of Legal Counsel, I believe congressional requests to see particular classified memos and legal opinions were appropriately granted. However, in the years since Mr. Barron moved on from that position, congressional requests to see memos and opinions have frequently been stonewalled—and I use those words specifically—frequently stonewalled.

The executive branch often makes the argument that these memos constitute confidential, predecisional legal advice to the President. Here is the problem with that argument: The President has to be able to get confidential legal advice before he makes a decision, but once a decision has been made and the legal memo from the Justice Department has been sent to the agencies that will carry out the President's decision, that memo is no longer predecisional advice; it is the government's official legal basis for actual acts of war, and as such, in my view, it is entirely unacceptable to withhold it from the Congress.

Congress has the power to declare war, and Congress votes on whether to continue funding wars, so it is vital for the Congress to understand what the executive branch believes the President's war powers actually are. In that

classic work I have discussed from Woodrow Wilson, he said:

It is even more important to know how the house is being built than to know how the plans of the architect were conceived.

As a former basketball player, I often say that sections of the playbook for combating terrorism will often need to be secret, but the rule book the United States follows should always be available to the American people—all of the American people. Our military intelligence agencies often need to conduct secret operations, but they should never be placed in the position of relying on secret law.

I am very pleased this morning that we know the executive branch is going to provide this memo to the American people, and I believe this constructive step must lead to additional steps that are equally important. This episode is an object lesson in how the U.S. Congress can use the levers it has to fulfill one of the most important functions of government. As my colleagues and I engage in our personal discussions about how to make Congress more functional, I hope this is an experience we will remember.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### HEALTH CARE

Mr. BLUNT. Madam President, I want to talk a little bit about the continuing concerns we see in our office and hear from Missourians about what is happening with the implementation of the health care plan. The more people know about the path we are on with health care, the more concerned they appear to become.

I know the White House has suggested that somehow the numbers would reflect that people have responded to this program in a positive way. When you take away the health insurance people have and there is only one place they can go to get the insurance they think they need, obviously they are going to go there, but that doesn't mean they like it.

In fact, there is a new political poll that suggests nearly half of the American voters say they are for outright repeal of this law, and nearly 90 percent say it will be important to them in determining how they will vote this year.

Another point in terms of why we want to start over again is everybody knows what the consequences are when you make a bad decision about people's health care in a way that I think most Americans would not have anticipated in 2009 and 2010. When you fundamentally get involved in issues that impact people and their families, such as health care, and do things that fundamentally impact the way their money is going to be spent, and that decision is made by the Federal Government instead of by that family whose only decision might be to pay a penalty or not have insurance at all or



pay a whole lot more than they were paying, the government has involved itself in an area where the government should have looked for better choices, more options, more ways to seek coverage, and better ways to be sure you can have coverage if you had a pre-existing condition. All of those, by the way, were proposed. These are not ideas that weren't out there a few years ago, but they would be taken much more seriously today if we did what nearly half of the American voters say we should be doing, and let's just see what would happen if we start all over.

Several States have announced that their Web sites will not work. This includes Oregon and Massachusetts. There is a report that four of the failed State exchanges cost \$474 million of taxpayer money, spent in Nevada, Massachusetts, Maryland, Oregon—just those four—for systems that then wouldn't work.

Many of these systems around the country that now are being abandoned were put in place partially, if not totally, with grants from the Federal Government. If a State gets a grant from the Federal Government to do something and then it doesn't do it, every other grantee has to give the money back. A State can't say it is going to take millions of dollars from Federal taxpayers to put together an exchange and then announce it didn't work out very well and then have no obligation to give that money back. There was a time when there appeared to be great concern in Washington that States weren't putting an exchange in place. Now we find out that States with this particular plan, ill-conceived as it was, can't put a system in place apparently that works. The State of Oregon, one of the earliest advocates of adopting this system, my belief is and I have read, wasn't able to sign up one single person from October 1 until they abandoned their Web site just a few days ago—not one person.

Subsidies appear to be incorrect. The Washington Post reported last weekend that 1 million Americans who have enrolled in the plan may be getting incorrect health care subsidies because the Web site was defective and didn't appropriately calculate what the subsidy would be. If people get too much of a subsidy, they have to pay it back. If they get too little of a subsidy, they may decide they are not going to take the health insurance available because they are not getting the assistance they had hoped for. Potentially hundreds of thousands of Americans are, according to that article, receiving bigger subsidies than they deserve and will be required to return the excess next year.

Under Federal rules, consumers are notified if there is a problem with their application and asked to send in or upload pay stubs or other proof of their income. Apparently, only a fraction have done what they are supposed to do. Whose fault is that? If the govern-

ment allocates the subsidy and if a person hasn't complied with the law, is that the person's fault or the government's fault? It is the government's job to comply with the law and to insist that people comply if they are going to be part of a Federal program. It is not a person's absolute obligation to say, I need to send that final piece of paper in, if the government is saying we are going to give you this subsidy. Don't worry about sending this in, we are going to do this anyway. But there will be a reconciliation moment where people find out their subsidy was more than they deserved and suddenly they have to pay it back.

The processing centers. KMOV, a television station in St. Louis, recently broke a story regarding the claims of workers at a Wentzville, MO, facility that was one of a handful of facilities the Federal Government financed around the country to handle paper applications. Not only, on one side, did the applications not appear to work coming in on the Web site—the easiest thing one would have thought possible—the easier thing, I guess, suddenly we find out, would have been to fill out the paper application and send it to one of these locations that was set up.

Contract costs of over \$1 billion, 600 people working at the Wentzville site, and the allegations from people working there are that there is just nothing to do. They are told to refresh their computers once every 10 minutes—hit the refresh button—so it appears they are doing something, so 600 people don't process more than one or two applications a month and that way everybody has a chance to process one application. My belief is these are the kinds of applications people would have assumed every individual would have easily processed dozens a day. Yet they are told not to process more than one or two a month because there just aren't that many people making applications at these centers.

The television station KMOV did a Freedom of Information Act request to CMS on April 8. They are 2 weeks past the 20 days the government is supposed to have to comply. I wonder what would happen if a taxpayer had an EPA penalty and the taxpayer was a couple of weeks late in complying with whatever that penalty is.

Last week I joined Senator ALEXANDER, who is the ranking member of the Senate Committee on Health, Education, Labor & Pensions, in a letter to the CMS Administrator expressing my concerns and his concerns and requesting answers to a number of questions no later than the end of this month. Hopefully, they will do better complying with us than they did with the Freedom of Information Act and the St. Louis reporter.

The full 5-year contract has a balance of up to \$1.25 billion. The Wentzville facility reportedly employs about 600 people. We are now hearing from a couple of the other facilities

that they have exactly the same problem. They are going to work, they have a library with books stacked on the table so people can read a book during the day so they can wait for what I guess they think eventually will be this onslaught of applications coming in, but so far it hasn't happened. We have passed October 1, November 1, December 1, January 1, February 1, March 1, April 1, May 1, and soon June 1. One would think these would be coming in because we are paying these people to do this.

Frankly, people need jobs, so it is hard to fault them for showing up every day until somebody says: The truth is there is no work here for maybe 590 of the 600 employees; maybe we need to eliminate these particular jobs which were supposedly to help implement this system. Facilities in Missouri, Kentucky, Arkansas, Oklahoma—there are lots of indications that everybody is having the same experience.

The American part of this company, Serco, is based in Reston, VA, but this is a British company. They were already in trouble with the British Government, I have read, for not providing the services they guaranteed to provide. It is amazing to me that to do the work to implement this program, we get a Canadian company to design the Web site, which is already in trouble with the Canadian Government for failure to do what they said they would do, but we hired that company anyway. One would think there would be American companies that aren't in trouble with anybody's government that could design the Web site. Then we got a British company that is in trouble with the British Government to operate these centers for the written applications. No wonder taxpayers are wondering, Who is minding the store? Who is managing the government? Who is doing this work that would make common sense anywhere else?

I continue to hear from Missouri families every week about the problems they have. We talk to them and we verify these problems. We then try to find a solution, including going through the Affordable Care Act, trying to find assistance so they can afford to pay for a policy that costs more than they ever thought they would pay, but we are not finding those solutions.

I have a few letters, one from a retired substitute teacher who is no longer able to work the substitute hours they were able to work because of the unintended consequences of the Affordable Care Act. Thirty hours, the law says, is when employers have to provide full-time benefits. Different companies had different rules in the past. If we go back to the 40-hour workweek, a lot of people would be working 35, 36, and 38 hours. Now they are working 25 and 26 and 28 hours.

Another letter is from a student, Stephanie, in Jackson, MO. The schoolteacher was in Kansas City. Stephanie

in Jackson is trying to go to school and trying to do everything she can to pay her own way through school, but her hours have been cut at work. She was working in the past more than 30 hours to try to do what kids used to do. What is one of the solutions to not having a lot of debt when you get out of college? Work your way through school. What is one of the things the Affordable Care Act has made it harder to do? Work your way through school. So Stephanie, the student, says she is looking for a second part-time job now that would give her the hours she used to have in her other part-time job because of the consequences of the Affordable Care Act.

Just a couple more examples. Rich from Portageville, MO, his rates have increased from \$412 a month to \$732 a month. Rick says he is 49 years old. His policy covers him and his son who is 22 years old. They are both healthy, but their insurance went up \$320 a month.

Roy from Oak Ridge, MO, says his deductible has gone from \$250 to \$650, and if his wife wasn't a veteran and couldn't get her medications through the Veterans' Administration, they would have real health care problems.

Just one last example. Rodney from New Franklin, MO, says his rates have jumped. He says: My health insurance for my wife and myself has jumped from \$320 per month to over \$700 per month, and now there is a \$5,000 deductible, despite the fact that we are both in great health. It doesn't include eye or dental coverage. I am self-employed, Rodney says. So it makes a very big difference to him whether he can continue to pay well over two times what he was paying before, with a higher deductible.

Problems with implementing the system appear to not be dealt with in the right way, and then what happens when people do get coverage. It turns out for them not to be coverage they can afford. Of course, whether they had a policy they liked, almost nobody has been able to keep the policy they had, particularly if they had it as an individual. I think we are going to see fewer and fewer people having the policies they have had at work.

I will go back to the almost 50 percent of Americans who say: Why don't we start over and do this the common-sense way and solve these problems in a way that benefits families and their health care rather than benefiting more government employees and more government regulations?

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### BARRON NOMINATION

Mr. CRUZ. Madam President, I rise to discuss the nomination of David Barron to be a Federal court of appeals judge. I commend my friend Senator RAND PAUL for his excellent remarks earlier today and his leadership against Mr. Barron's nomination.

I have known Mr. Barron for a long time. He and I were classmates in law school. He is a smart man. He is a talented man. He is a professor at Harvard Law School and he is a well-respected professor. However, Mr. Barron is an unabashed judicial activist. He is an unapologetic and vocal advocate for judges applying liberal policy from the bench and disregarding the terms of the Constitution and the laws of the land. If the Members of this body vote to confirm him, we will bear responsibility for undermining liberty and undermining the rule of law in this country.

It is well known that Mr. Barron, as a senior official in the Obama Justice Department, authored memos allowing the U.S. Government to use drones to kill American citizens abroad who were known and suspected to be terrorists, without any trial, without any due process. To date, we still don't have the details of all of those memos. A number of us, including myself, have called for releasing the memos that would allow the U.S. Government to use lethal force against U.S. citizens. I am pleased to say the administration has, in part, complied, but we don't have all of those memos. Yet this body is being asked to proceed with giving Mr. Barron a lifetime appointment without knowing the full context of the advice he gave.

I would note that Mr. Barron previously, in 2006, joined a group of legal scholars calling for more transparency in the OLC opinions that he subsequently wrote and that the administration is now keeping secret.

But beyond that, beyond Mr. Barron providing the legal basis for the targeted killings of American citizens abroad without judicial process, Mr. Barron, both in law school and in his writings as a law professor, has been an enthusiastic advocate of judicial activism. It has become de rigueur for judicial nominees to forswear activism, to say—even if their record is to the contrary—no, no, no, Senator, I will comply with the law. To Mr. Barron's credit, his writings have a degree of candor that are unusual.

So, for example, he has argued that courts should override elected State legislatures and enforce leftwing policies. Mr. Barron, in one particular law review, wrote:

State supreme Courts, not state legislatures, have also led the revolution in school financing equality, though judicial actions have catalyzed political responses.

He went on to say that liberals should not object to conservative court decisions because "progressive constitutionalists enamored of the Anti-Court rhetoric rarely take account of its potential downstream effects on state-court interpretation and legitimacy."

In other words, he is worried that people on the left might be arguing that courts should follow the law because that would constrain the ability of courts to instead impose a far-left political policy agenda.

Likewise, in a different article, he argues:

It is precisely because the Anti-Court strain singles out conservative judicial activism as the problem that it threatens to work progressive constitutional theory into a corner: it needlessly rejects the progressive potential of a significant wielder of power—the courts. . . .

Let me underscore that. Every Member of this body who votes to confirm Mr. Barron is voting for a candidate who has stated he intends to use the courts as a "significant wielder of power." Indeed, what is the agenda that he would embrace? He has elsewhere written:

We contend that the constitutional argument favoring preclusive executive power necessarily rests on a strong form of living constitutionalism.

There are Members of this body—Democratic Members of this body—who are campaigning right now in their home State saying they do not support judicial activism, they do not support a so-called living constitution, judges imposing far-left policies and disregarding the law. Well, let me say, any Democratic Member of this body who votes for Mr. Barron is on record in support of judicial activism and living constitutionalism.

Beyond that, Mr. Barron has explicitly written his opposition to federalism. Indeed, he says, "There is precious little in the Constitution's text or the history of its adoption that compels the particular conservative allocation of national local powers favored by the Rehnquist Court."

He has made clear his agenda to overturn or ignore Supreme Court precedents. When he says there is "little in the . . . text or the history," it seems somehow that he has not read or focused on the Tenth Amendment or the Federalist Papers or the debates on ratification.

Beyond that, he is an emphatic advocate of the takings clause, of government power taking private property, such as the Kelo decision—big money interests going to government and using government power to condemn your private land. He is an emphatic advocate of that and of courts facilitating and expanding that.

He has written that the executive branch should be able to waive laws with which it disagrees—a lawlessness that, sadly, has run rampant in this administration.

Anyone who cares about property rights should be dismayed by this nomination and should vote against it if you do not want to see overly aggressive takings jurisprudence that allows the government to take your private property.

Anyone concerned about free speech should be concerned about this nomination if you do not want to see expansive government power taking away the rights of citizenry to free speech.

Anyone who cares about local control and federalism and the ability of local school boards and legislatures to make policy decisions should be concerned.

Anyone concerned about our right to life should be concerned about drones having the power to take our life without judicial process.

Anyone concerned about liberty and the rule of law should be deeply concerned about a judicial nominee who embraces courts as a tool of power and the President disregarding the law.

I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, what is the order?

The PRESIDING OFFICER. The Senate is in morning business until 12:15 p.m.

Mrs. BOXER. Madam President, I ask unanimous consent that I be able to speak for as much time as I may consume until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, Senator CRUZ makes an impassioned plea against a nominee who is considered by some to be exemplary. It is his right to do that, but let me say before my friend leaves the floor, as impassioned as he is, calling Mr. Barron a liberal, I have heard many call Mr. Barron a conservative. So he must be doing something right. I think it is interesting. So let's keep politics out of this and look at someone's record.

#### WRRDA

Mrs. BOXER. Madam President, with all the arguments and debate that go on around here in a very legitimate way—it is fair. The parties have grown very far apart—whether you look at the minimum wage, with the Democrats wanting to raise it, with some Republicans who say do away with it altogether; with extended unemployment benefits, where we can barely get a handful of them to go along with us—I could go on through the list. We are going to have a chance to make sure students have a fair shot at refinancing their student loans. We do not know where they are, but so far I have not seen them join Senator WARREN in her very important move to allow students to refinance their student loans. I could go through a list longer than I am tall. I am not that tall, but still it is 5 feet of differences.

We finally have come together in a way that I am very proud. As chairman of the Environment and Public Works Committee, we have two sides of our committee—the environment side, which tends to be very difficult, very difficult, with big splits; and then we have the public works side. By putting aside our differences—our deep differences—on the environment and focusing on the other side, we have been able to come up with a couple of really good bills.

The first one is the Water Resources Reform and Development Act called WRRDA. It is so important to our Na-

tion, whether you are a coastal port or an inland port, and it is crucial that this get done.

The last WRDA bill was nearly 7 years ago. I was proud to be involved in that at that time. This one—7 years later—is long overdue. I am going to talk to you more about it. We also voted out a highway bill out of our committee. We are very proud of that. Senator VITTER and I worked very closely, and Senator BARRASSO, Senator CARPER, and all the Members on both sides and their wonderful staffs.

So tomorrow, I believe, we are going to vote on WRRDA, we are going to vote on the water bill. I know we have a very hectic day tomorrow, so rather than take the time then, I am going to take the time now, and I am hoping to be joined by some colleagues today. But if not, I will lay out why we need to do this bill.

First, I want to say a wonderful thing happened in the House yesterday when the conference report passed over in the House 412 to 4. That was really pretty terrific. Everyone pretty much rose above partisan politics. I am very pleased that Senator REID is moving forward with this report and all colleagues on both sides want us to pass that conference report and send it to the President. He will sign this bill.

Let me tell you what is at stake: at least half a million jobs—half a million jobs.

First of all, we deal with ports and waterways. The conference agreement makes important investments in reforms related to our Nation's ports. Our Nation's ports and waterways move over 2.3 billion tons of goods—that is amazing—every year; 2.3 billion tons of goods. So we need to keep our ports modernized. We need to invest in our ports. So in this bill we do.

We include a project in Texas, for example, to widen and deepen the Sabine-Neches waterway, which will have over \$115 million in annual benefits. This critical waterway transports over 100,000 tons of goods every year. It is the Nation's top port for movement of commercial military goods. And it is vital to our Nation's energy security.

This bill will allow the Corps to address dangerous cross currents at the Port of Jacksonville, FL—that is another example—that create safety concerns for ships entering and exiting the port. It also allows the deepening of this vital hub of commerce.

The bill also authorizes a project to deepen the Boston Harbor to 50 feet. This will prevent heavier road traffic in the busy Northeastern corridor by allowing larger vessels coming through the newly deepened Panama Canal to transport cargo all the way north to Boston Harbor. Without the access to Boston, these vessels would have to offload in other ports and put the cargo on trucks to their final destinations in the Northeast.

Madam President, what I would like to do now is yield to my friend, the Senator from Louisiana, Ms. LANDRIEU.

I just want to say—and I will finish my remarks when she has completed hers because she has a very hectic schedule and I am able to stay on the floor for a while—whenever I see Senator LANDRIEU she talks to me about her State. And her State is magnificent. I have been there. I was there after Katrina, at her urging. I have been there since to see some of the progress we have made. But Louisiana is a special place. And this special Senator never forgets what needs to be done, and part of it is playing a big role in a bill like the Water Resources Reform and Development Act.

So at this time I will yield, if it is all right, through the Chair. Am I permitted to do this? Can I yield the time that I took to my friend for as much time as she may consume?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I thank you, Madam President.

I thank the courtesy of the chairwoman from California and for her really extraordinary leadership to bring such an important infrastructure bill to the floor of the Senate.

Without her dogged determination, we would not be here today and Louisiana and so many other States that are benefiting from the projects authorized and green-lighted in this bill would simply still be waiting, with jobs not being created, people not being employed, and the future looking a lot less bright than it does today. I thank the Senator so very much.

Mrs. BOXER. You're welcome.

Ms. LANDRIEU. Not only has she given attention to her home State of California, but she has been very mindful of several other States in the Union that have particularly difficult water challenges. Louisiana would be one such State. Louisiana is not our largest State. It is not small. It is in the medium size. It has 4.5 million people. But yet our State is positioned geographically in the country, in the Lower 48, that we drain almost 50 percent of the continent. The water of this continent comes through this extraordinary delta almost without peer on the planet. It is the seventh largest delta on Earth.

While some States are struggling to find water, we normally have too much of it in the wrong places—or at times we have too much of it in the wrong places, such as when Lake Pontchartrain breached the drainage project program. The project collapsed and two-thirds of the city of New Orleans went under water—some neighborhoods 14 feet. When Isaac hit or Ike or other hurricanes, we had really been bombarded with tremendous challenges to the southern part of the United States.

Every region has their challenges. But the southern part of the United States, what I like to call America's energy coast—Texas, Louisiana, Mississippi, and Alabama—has particular challenges that need addressing in this

bill. I thank Senator BOXER for addressing some of them, particularly as it relates to Louisiana's challenges because our challenge is not only to keep commerce open for everyone so the entire country can benefit—especially when the Panama Canal opens; larger ships are going to be moving across the oceans into our ports. The Mississippi River port system combines all the four southern ports of the Mississippi River, and it is the largest port system in the world—not second; the largest port system in the world—so we have a responsibility to make sure this commerce continues to move.

So we have to have rivers and bodies of water that are open for commerce but protected with the right kinds of levees that protect the people who live there so we do not drown every time it rains heavily. We are not talking about category 4 and 5 hurricanes. We are talking about highways that go underwater in a heavy rain because the delta is sinking due to several factors. The waters are rising due to several factors. This WRRDA bill is one of the only answers to build a resilient and sustainable coast. That is why the Louisiana delegation fights so hard for it, why we are so anxious for this bill, why we do not like to wait 7 years for a WRDA bill, because we need new authorizations every 2 to 3 years.

In fact, we need a whole new way of funding some of these projects, which is a work in progress. I look forward to continuing to work with Senator BOXER. As an appropriator, I am very anxious to find a new, more expedited way. I have proposed revenue sharing and will continue to propose revenue sharing as a way for not only Louisiana but coastal States to redirect a portion of offshore oil and gas revenues to come back to the coastal communities, America's energy coast, America's working coast, and build the infrastructure that helps our economy continue to grow, create jobs and, most importantly or equally importantly, protect the people that have to live close to the water for those jobs and for those jobs to be made real and for the economy to benefit.

Not everybody can live in Vail, CO, and commute to the coast every day to work. It is not going to happen. We have to live along these rivers, and we have been living there an awfully long time—300 years as far as Natchitoches, Baton Rouge, and New Orleans. They will be celebrating—just three cities in our State—their 300th birthday.

We did not move there in the 1980s to sunbathe. We have been down there for hundreds of years building the economy of this country. We are proud to do it. We are happy to do it. But we need help every now and then. This bill helps us. The WRRDA bill is important.

There are a couple of projects—I am going to finish in about 3 or 4 minutes, and turn it back over to Senator BOXER. First, there is Morganza to the Gulf, which was originally authorized

over 20 years ago. That is going to provide levee and flood control protection to one of the fastest growing, most dynamic cities in this country—Houma, LA. It is an energy epicenter. It is an energy powerhouse for the people of Houma, the fabrication, the supply companies—such as in North Dakota—which is really one of the fastest growing communities in our country.

The Presiding Officer can appreciate this. We are like that on the coast, except that when the hurricanes come, it literally threatens to wash away the whole place because there are no levees around Houma.

The Presiding Officer had terrible flooding in her State, so she can appreciate what happens when the levee system fails. But we are not only along rivers, we are also along the coast, and we are also a strong energy center. It is not just the people and the companies, which range from very small mom-and-pop businesses to some of the largest international energy companies in the world, but it is international fabricators that have billions of dollars of infrastructure along this coast that are at risk.

So this Morganza project, it was not originally in the House bill. I fought very hard to make sure that it was in the Senate version. I want to give Senator VITTER a good bit of credit for his leadership on the committee. I do not want to underestimate the role that he played in securing all of these projects. But we worked together as a team to make sure that Morganza to the Gulf was included.

I am very proud that it was in the final conference report, a \$10.3 billion authorization. The Louisiana coastal area for \$2.1 billion is also included. It is one of the only new starts in the President's budget. It is authorized at a higher level in this bill. Again, we are going to have to find some additional funding, which is where revenue sharing comes in. I hope to convince my colleagues to move in that direction for the benefit of not just our State but for many coastal States in the country.

Building this coastal protection for Louisiana, Mississippi, Texas, Alabama, and Florida is critical, but so are the east coast and the west coast in great need as well. One of the projects—and I have two more to talk about that I am particularly proud of—is the authorization for us to get about the work of dredging the New Iberia port. I have tried to explain it on this floor because we only think about ports such as the traditional big cargo ports.

You think about Long Beach, you think about the Port of Seattle or you think about New York and New Jersey. That is what people think when they think ports. Those are big cargo ports and big container ports. They are very important. But also tucked along our coasts are energy ports that people completely forget about. They do not even know what an energy port looks like. I am very proud to be taking Sec-

retary Moniz to his first energy port next week in Louisiana. These energy ports are not bringing in big containers and big cargo ships, but they are bringing in liquefied natural gas, or taking it out, or they are bringing in oil imported from the rest of the world or exporting—when we can export. But right now they are bringing crude oil in. They are manufacturing the huge platforms and fabricating the huge platforms that go out into the Gulf of Mexico.

Without the proper dredging of those ports, without the proper security of these ports, America cannot be an energy powerhouse. We just cannot do it. We have to have that port infrastructure. So one of my big pushes since I have been a Senator is to try to get the Federal Government to understand that one size does not fit all. There are certain projects that work well for these big container ports and big cargo ports, but there are other important ports in our country, particularly along America's energy coast, which is the Texas, Louisiana, Mississippi, and Alabama coast, the only coast that allows offshore oil and gas drilling, to allow that industry to continue to grow, so that the country prospers and all the States are benefited by the work that goes on there.

So the New Iberia port channel will be dredged deeper. Fabricators will be able to have more projects domestically here and not have to do so much work in Korea and other places around the world. We can produce using American steel, American workers, American fabrication techniques to create jobs right here at home.

Finally, Senator BOXER was so helpful in pressing for the Inland Waterways Trust Fund, to authorize the trust fund, to basically say that monies that are collected will stay in the trust fund and be used and authorized to help our dams and inland waterways around the country.

Senator CASEY and I have an amendment pending on the floor that would make sure that the increases in user fees could potentially be applied this year so that it is not just an authorization but so there is actually funding in the trust fund to pay for these projects which are so important to keep our maritime industry moving and growing, which is a real feather in our cap right now.

The maritime industry is expanding. It pays much above the average wage. They are really high-paying jobs. Instead of stymieing their growth, we need to be expanding that part of our economy.

So this WRRDA bill, because of Senator BOXER's leadership, first of all, has gotten to the floor for a vote. It never would have happened without her dogged determination. There are wonderful projects, necessary projects for the whole country, but particularly for Louisiana, a State that has an awful lot of water. We are happy to have it, but it has to be directed correctly or it

can cause many disasters and much heartache and pain.

So getting our rivers dredged correctly, getting our levees built so they do not fail, and continuing to be diligent in helping our people live safely along the coast is something that I know Senator BOXER shares with me. The people of California have some similar challenges that she is well aware of in the Sacramento Valley. So I want to thank Senator BOXER. I appreciate her help and her several visits to Louisiana, particularly after the storm, helping to make a firm imprint on her about the importance of this. I am excited about looking into the Netherlands for a possible partner with building even stronger infrastructure using really first class technology for our States.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I reclaim my time. I want to again say to the Senator that she has made this case. This WRRDA bill is life and death. It truly is in so many of our States. We all saw Katrina. We all saw Superstorm Sandy. I can tell you—I know it sounds like an overstatement, but I can assure you it is not—if we have a situation like that in the Sacramento area, because of the businesses located there and how many people are there—our State has 38 million people—the devastation would be worse than we have ever seen because of the number of people.

This bill takes care of that problem too so we can fix our levees. That is critical. Our levees are falling apart. The Senator has made the case so forcefully for her State, but also she calls attention to the fact that we are experiencing extreme weather. We cannot put our heads in the sand. I was thinking the other day that if you put your head in the sand, you are going to get sand in your eye and you will never be able to see too well.

We have got to get our heads out of the sand. Extreme weather is here. It is here because of climate change. We have to deal with it. My preference is to do what we can to avoid climate change. But it is late in the game even now. So we have to adapt. My friend from Louisiana, I have to say, has been a stalwart in protecting her State.

We have heard from the Senator from Louisiana as to why WRRDA is so important. You have heard a little bit from me. I was talking about the important projects across this Nation. I discussed the one in Texas, through which they move so many military goods. I discussed the one in Florida where they have these cross currents that are dangerous. I began to discuss a project to deepen Boston Harbor to 50 feet. This will prevent heavier road traffic in the busy Northeast corridor by allowing the larger vessels coming through from the newly deepened Panama Canal to transport cargo all the way north to Boston Harbor.

Without that access to Boston, these vessels would have to offload in other

ports and put the cargo on trucks to their final destination in the Northeast. We really have to think about our ports as the alternative, in many cases, to putting cars on the road. In our State, we call it kind of the “sea highway.” Our idea in California is to tie our ports together so there can be a seamless way to transport cargo.

In addition to authorizing crucial port projects, the bill reforms the harbor maintenance trust fund to increase port investment. Despite significant maintenance needs at our Nation's ports, only roughly half of the fees collected in the harbor maintenance trust fund go to port activities. These are user funds. They ought to be used for the purpose for which they were intended. This conference report calls for a full expenditure of all revenues collected in the trust fund by 2025.

I want to say, I have had some very good talks with the appropriators, Chairman MIKULSKI and Ranking Member SHELBY. They have ports in their great States. They know the need to utilize these funds at the ports. We collect funds for the harbor maintenance trust fund, and then they are going to every other kind of use. It does not make sense. It is not right. I believe in user funds, whether it is the highway trust fund, the harbor maintenance trust fund, whether it is Social Security, Medicare—they are targeted funds. They should stay and be used for those purposes.

We do set priorities for our larger ports, smaller ports, for the Great Lakes, the seaports that are large donors. We say, if you are a large donor port, you ought to deserve to have some attention. I can tell you, I represent the Ports of Long Beach and Los Angeles, through which 40 percent of U.S. container imports pass.

They put so much money into the trust fund and they get so little back. There are many cases like that. I am particularly familiar with these because I hear from the folks from those particular ports.

We also have very important inland waterway systems, and this conference report makes important reforms to those. It is essential for transporting goods throughout the country. These include efforts to expedite project delivery and better prepare for future floods and droughts that can slow or even stop navigation at our inland waterways.

We talked a little bit about extreme weather. In the Presiding Officer's State, I will never forget, just before your arrival in the Senate, seeing pictures of what was happening in North Dakota with floods and fires. It was just the most apocalyptic scene that Senator Conrad had photos of. It was shocking.

We are seeing more and more of this extreme weather. We need to get ahead of it. We need to do much needed flood control and coastal hurricane protection projects around the country.

We talked a little bit about Sacramento, our State capital. It faces

some of the Nation's most severe flood risks.

The bill contains flood protection measures that will allow the port to strengthen the levees in the Natomas Basin in Sacramento. Here is how many people will be safeguarded: 100,000 people will be safeguarded and \$8 billion worth of property.

The bill also focuses on lifesaving flood protection for more than 200,000 residents of Fargo, ND, and Moorhead, MN.

We are talking about States all across our great Nation that have to protect their people.

The bill will restore the reliability of the levee system that protects Topeka, KS. These levees protect thousands of homes and businesses in the city, and this project will return over \$13 in benefits for every \$1 invested.

The bill will provide lifesaving protection for coastal communities in coastal Louisiana. We heard from Senator LANDRIEU. Senator VITTER was very strong on this as we worked together.

When we are chairmen, we have to do what is right for the country and also do what is right for our States. The conference report is going to improve our responses to extreme weather events whether they occur in Fargo, Sacramento, or New Orleans.

After the devastation caused by Hurricane Katrina and Superstorm Sandy, it became clear that communities needed assistance to protect lives, property, and to improve infrastructure resiliency. What does “resiliency” mean? It means that you build your infrastructure in a resilient way so that it lasts and doesn't collapse when you need that protection.

For the first time, this bill allows the Corps to conduct immediate assessments of affected watersheds following an extreme weather event. In the old days, before all this extreme weather, the Corps would come back and fix places and make them just the way they were before the event. Now we are saying: If there is an extreme weather event, please, Corps, identify and look at the ability to construct small flood-control and ecosystem restoration projects, such as levees and floodwalls, and restore wetlands without going through the full study process and receiving additional congressional authorization.

We don't waive any environmental laws. We just say: When you have an emergency and you can show us there are small projects that can work, just go do it because we want people to have their communities back.

The conference report calls for the Corps to use resilient construction techniques that are far more durable. I remember I was in a big debate with a Republican Senator when we had a bridge collapse after an earthquake—an approach to a bridge—and he said: Well, why are you spending more money than it cost to build it?

I said: Because we don't want to rebuild it the same way because it didn't withstand an earthquake.

It is kind of a “duh” moment. You don’t want to spend taxpayer money rebuilding a flawed piece of infrastructure. Make it strong, and make it resilient. That is what we have to do. For the first time, we are going to make sure this happens.

We require the National Academy of Sciences and the GAO to evaluate options for reducing risk. It is not only the Corps going out there. They are going to depend upon the scientists and they are going to depend upon the GAO, the Government Accountability Office.

The bill authorizes investment in vital ecosystem restoration projects across this Nation. These projects not only preserve our precious natural heritage, they also provide essential benefits to local communities, such as improved flood protection and a boost to local tourism.

A lot of people don’t understand the function of a wetland. You see a stretch of wetland and you say: Wow, that is flat land. I can go build on it.

Frankly, over the course of our great Nation’s history, that is what we used to do. We filled in those wetlands. We ignored the fact that they were a gift for us to protect. Not only were they beautiful, a place for wildlife, and they helped the air quality, but they acted as natural flood control. When we hear Senator LANDRIEU discuss this—I went to Louisiana, and I saw how critical that was. The wetlands restoration is critical to absorbing the floodwaters so they don’t destroy property and lives.

WRRDA continues the commitment to restoring one of the Nation’s greatest environmental treasures—the Florida Everglades.

If you have never seen the Florida Everglades, you need to see the Florida Everglades. It is called a river of grass. It is extraordinary. I will never forget it. Senator NELSON invited my husband and me. He, his wife, my husband, and I went out, saw this river of grass, flora and fauna, and deer jumping from a little patch of grass in the water. It is a miracle from God.

What we do is we allow four Everglades restoration projects to move forward.

We also reauthorize important restoration programs in the Chesapeake Bay and the Columbia River Basin. I thank Senator CARDIN for his amazing leadership and, of course, Senator MIKULSKI as well.

We enable the Corps to work with the States along the North Atlantic coast to restore vital coastal habitats from Virginia to Maine, and we allow the Corps to implement projects to better prepare for extreme weather in the Northern Rocky Mountain States of Montana and Idaho.

If you have been following this speech, I think what you will recognize is how broad a swath we cut with the WRRDA bill. We truly tried to step back and help everybody. This is one Nation, and we need to take care of our heritage. That means we have to pro-

tect it from floods and hurricanes, we have to make sure commerce can move forward from our ports, and we want to restore this God-given environment we are supposed to protect.

We direct the Corps to give priority to ecosystem restoration projects that will also provide benefits for public health. This ensures that projects such as the restoration of the Salton Sea—where I live—which both restores vital habitat and addresses serious air-quality concerns, can move forward.

The Salton Sea is amazing. It is an incredible lake. It is the stop-off point for the most amazing array of wildlife. It is drying up. If it continues to go this way, it will not only be a disaster for the wildlife, but it will be a disaster for the people because the odors that are coming from this drying-up sea float all the way to Los Angeles, where we have millions of people. And the jobs we could create there with clean energy and other types of development—we have to move on that.

So I was excited to see that everyone agrees that if you have a body of water that is deteriorating, that, if you don’t pay attention to it, could cause a public health crisis, then it should have some kind of a priority.

The conference report also addresses important ocean and coastal resiliency issues, allowing the Corps to carry out ocean and coastal resiliency projects in coordination with a broad range of stakeholders, including States, Federal agencies, and NGOs.

I compliment SHELDON WHITEHOUSE for the work he put into this provision. It is very important. Our oceans and our coasts are not only magnificent gifts, but they truly are important to our economy.

People who come to California like to see the whole State, but people gravitate to the coast. It is so magnificent, and we have to make sure we treat our coasts and oceans right. That means making sure that if they are endangered, we do something about it.

This is a first. This is exciting for SHELDON WHITEHOUSE, and I am very thrilled to have been able to help him.

I have to give a shout-out to Senator REID, without whom this provision wouldn’t have made it in the bill. We were down to that one issue. We had taken care of 150 issues, but we were down to that one issue. Leader REID was able to help us. And I thank the House for working with us.

I don’t know how many of you have heard of TIFIA, which is a program we expanded in the highway bill. What it does is it leverages funds. So if our States or localities in our States passed a half-cent sales tax to build transportation, the Federal Government now has a way, through the TIFIA Program, to come around up front, take a project that has, say, 20 years of revenue coming in, pay that up-front cost right there, and build that project quickly.

We did the same for water. We call it WIFIA, and it is a new initiative. We

hope that it will be interesting to folks and that they will use it. We will assist localities in need of loans for flood control or wastewater and drinking water infrastructure to receive those loans from this new funding mechanism, the Water Infrastructure Finance and Innovation Act.

WIFIA will allow localities an opportunity to move forward with water infrastructure projects in the same way TIFIA does in transportation. Where there is a local source of funding, the Federal Government can front those funds.

The TIFIA Program is working so well. I just went to an amazing press conference with the folks from Los Angeles. They have been given an \$800 million TIFIA loan that is enabling them to build a subway. It is very exciting, and the Federal Government has no risk—almost zero risk—because the funds will be paid back from the sales tax.

These new WIFIA funding arrangements supplement existing programs to help leverage more investment in our Nation’s aging infrastructure. The conference report also updates the Clean Water State Revolving Fund to ensure that our existing sources of water infrastructure funding are able to continue to meet pressing needs.

Chief’s reports: The conference report authorizes 34 critical Army Corps projects where the Chief of Engineers has completed a comprehensive study.

This was an absolute necessity for the Senate. The House and Senate came at this in a very different way. Their priority was making sure they could hold hearings on all the chief’s reports. Our priority was saying: Look, we are not going to go ahead with any project that doesn’t have a completed chief’s report. So that is the “r” for reform—their reform, making sure Congress holds the hearings; our reform, making sure that we include completed chief’s reports.

We are very happy about these chief’s reports. They are all over the Nation. I gave some examples in the beginning of my statement. These projects will restore vital ecosystems, preserve our natural heritage, and maintain navigation routes for commerce and movement of goods.

In the future, looking forward, how are we going to continue, because these WRDA bills come every 7 years. It is very slow. What is a better way to deal with the future needs of our States?

We developed a system with the House that allows local sponsors—such as someone from the State of the Presiding Officer, a flood control agency in the State—to make their case now directly to the Army Corps, and then the Corps would recommend those projects to Congress.

It is interesting that we took ourselves—because of the earmark ban—out of the picture. It allows people from Fargo, from Los Angeles, from Humboldt—wherever they are from—to go and see the Corps and make the case



for their project. Then the Corps would say: We sat down with these local officials. There are 10 or 15 projects we think are important.

That is going to be a new way we are going to give more local input.

I am very excited and happy to be standing on the floor today on this issue because it was 1 year ago almost to the day that the Senate passed the Boxer-Vitter WRDA bill by a vote of 83 to 14. It was just over 1 year ago. It has been 1 year—1 year of being in conference; 1 year of struggling with issue after issue; 1 year of people saying: That is it, we are done, we are walking out the door—wait, come back. It has been a year. When you read how a bill becomes a law, it sounds so simple. It says the House passes a bill, then the Senate passes a bill, then there are conferees and they get together and they work it out, and then it comes back and everyone is smiling and happy and they pass it, and then the bill goes to the President. Well, it is not exactly that way. It is a lot of give and take.

Sometimes you do have a bill that is not as complex as these here, and it can go smoothly. But how a bill becomes a law depends on who is in the room, it depends on what is happening nationwide, it depends on who the President is, and so many different things. But we were able to do this.

So 1 year ago we passed it in the Senate, and tomorrow, I believe, we are going to pass the conference report. The agreement will cost roughly the same as the Senate-passed bill and well below the last WRDA bill. One might ask why? Well, it is because as we authorized new projects, we deauthorized old projects. And that is important. We were able to go better than one-for-one in deauthorizing and authorizing.

Also, we had a very good talk with the CBO—the Congressional Budget Office. It is rare I have ever said a “good talk” with the CBO, because while the Presiding Officer is very good at accounting—a genius at that—I can tell you they do not make any sense to me. But Senator VITTER and I were actually able to persuade them on this bill to be realistic in the way we score it. If a State isn't going to be able to come up with their matching funds for 10 years, don't put this in as a cost in the first year. So the CBO was very open to working with us, and for that I thank them. It is a rarity, putting common sense on the table.

In closing, I thank all of the staff on both sides of the aisle who put in countless hours to develop this bipartisan, bicameral agreement. They didn't just work until midnight, 3 a.m., they worked on it 24/7 for all these months. I thank Bettina Poirier, my incredible chief of staff of the EPW Committee, my chief counsel, our guiding light, our guiding star; Jason Albritton, who is here with me today, who has worked nonstop, and will continue to do it until it is over, right, and get it ready for the President to sign;

and Ted Illston, who is on the floor and is a wonderful, wonderful staffer; and Tyler Rushforth.

These are the key people on my staff. One would think it would be 20 or 30 more, but it is not. It is this handful of people who made this happen for all of us.

I have to say I got to know Senator VITTER's staff so well, and we laughed at times. There was some irony involved in all of this. I would like to thank Zak Baig, Charles Brittingham, Chris Tomassi on Senator VITTER's staff. And Senator VITTER himself. Again, we were able to set aside a lot of differences we have on climate, on environment, on clean air, clean water, safe drinking water, where we go at it—nuclear power safety. We go at it. But we were able to say for the good of the people, we have to show people we can set aside our differences and come together. We did it here, we did it on the highway bill, and now it is time for the Senate to show the American people we can truly come together and pass this bill.

I do want to show one more thing before I leave the floor, and that is some of the organizations that have supported us and that support this bill. I can't read them all; it would take too long, but I will highlight some of these: the AFL-CIO, Transportation Trades Department, the American Association of Port Authorities, the American Concrete Pavement Association—I am passing over a lot of these—the Associated General Contractors of America, the Association of California Water Agencies, the Association of State Dam Safety Officials, the American Road and Transportation Builders Association, the American Farm Bureau Federation.

Let me give a few more. These are the supporters. The Arkansas Waterways Commission, the Big River Coalition, the City of Sacramento, the City of Los Angeles, Concrete Reinforcing Steel Institute, the Harbor Maintenance Trust Fund Fairness Coalition, the International Union of Operating Engineers, the International Union of Painters and Allied Trades, the National League of Cities, the National Governors Association, the National Asphalt Paving Association, and the National Association of Clean Water Agencies.

The list goes on. Here are a few more, in case anyone is interested. The National Ready Mix Concrete Association, the National Rural Electric Cooperative Association, the National Stone, Sand, and Gravel Association, the Santa Clara Valley Water District, The Nature Conservancy, the Texas Department of Transportation, the United Association of Plumbers and Pipefitters, the U.S. Society of Dams, the U.S. Chamber of Commerce, the Vinyl Institute, the Water Resources Coalition, the Waterways Council, Inc.

I ask unanimous consent to have printed in the RECORD the entire list of these supporters.

Mrs. BOXER. To those who are listening as I read from this list, it did include the U.S. Chamber of Commerce, it did include the AFL-CIO, Transportation Trades Department, which is so encouraging, and the National Governors Association. And I guess I will read this one:

The nation's governors applaud Congress for reaching an agreement that provides states with the resources to address their critical water infrastructure needs . . . governors urge the House and Senate to pass the WRRDA conference report and send it to the President for signature as soon as possible.

I want to say how much I endorse what the Governors said. Send this bill to the President as soon as possible.

I would be remiss if I didn't mention Congressman SHUSTER, who heads my counterpart committee in the House. Congressman SHUSTER was a delight to work with, even when it got tough for me. We had some tough, tough disagreements, but he stuck with it.

I also want to congratulate him on his victory yesterday, and I want to tell him, through this statement, how much I look forward to working with him on the Transportation bill. If we can do this, we can do that. That is important because we have to keep America moving. We are the greatest Nation on Earth, but you can't be the greatest Nation on Earth if you don't have modern water infrastructure, if your cities are flooding, if your ports can't move products. You can't. And you certainly can't have a great nation when you cannot have a highway system that functions, a transportation system that functions. You can't. There is no such thing. Because if you can't move commerce, if you can't move people, you can't move America forward.

I will say again, my deepest thanks to staff, my deepest thanks to Senator VITTER, my deepest thanks to Senator CARPER, to my entire committee, Senator BARRASSO, to Congressman SHUSTER, to Senator REID, to all of you, because this was one of those labors of love in which we all engage. We all wanted a bill, and we put away our little side arguments, came together, and now we have a bill that is a multibillion-dollar bill that will build our Nation and that is going to help our commerce and it is going to put 500,000 people to work. I couldn't be happier. I look forward to this vote tomorrow.

One more person I will thank: Congressman NICK RAHALL, who worked as the ranking member with Mr. SHUSTER. The two of them were a great team, and we were able to cut across the partisan divide, cut across the House-Senate divide, tough as it was.

It is a great day. It is a great day in the U.S. Senate and in the Congress, and I look forward to the President's signing this bill.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### EXECUTIVE SESSION

#### NOMINATION OF STANLEY FISCHER TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System for a term of four years.

Mr. JOHNSON of South Dakota. Mr. President, I wish to speak in support of Dr. Stanley Fischer to be a member of the Board of Governors of the Federal Reserve System. While we are only voting on Dr. Fischer's nomination to be a member of the Board today, he has also been nominated to be Vice Chair of the Board of Governors, which we will need to vote on in the near future.

As you all know, Dr. Fischer is a distinguished economist who is immensely qualified to serve on the Federal Reserve Board. In his two decades on the MIT faculty, he was primary adviser for 49 Ph.D. students, including former Fed Chairman Ben Bernanke, and current European Central Bank President Mario Draghi. In addition, he has previously served on the frontlines in making public policy decisions during periods of financial crisis—including as the head of the Bank of Israel during the last financial crisis. He is supported by experts from both sides of the aisle and respected by leaders throughout the world. His wisdom on the economy, monetary policy, and banking would be extremely valuable to the Board.

It is important that we move quickly to confirm Dr. Fischer to the Board. Next week, the Federal Reserve Board will only have 3 out of 7 confirmed Board members. In addition to Dr. Fischer, the Senate needs to quickly confirm Dr. Lael Brainard and Mr. Jerome Powell. There is a lot of work to do at the Board, including conducting monetary policy, drafting rules implementing Wall Street reform, and taking other actions to improve financial stability and economic growth, so it is important we fill the Board vacancies with highly qualified nominees like Dr. Fischer as soon as possible.

I urge my colleagues to support Dr. Fischer.

Mrs. BOXER. Mr. President, we yield back all of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Stanley Fischer, of Texas, to be a Member of the Board of Governors of the Federal Reserve System?

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), and the Senator from Indiana (Mr. COATS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 27, as follows:

[Rollcall Vote No. 160 Ex.]

#### YEAS—68

Alexander	Franken	Murkowski
Baldwin	Gillibrand	Murphy
Begich	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Hatch	Portman
Booker	Heinrich	Pryor
Boxer	Heitkamp	Reed
Brown	Hirono	Reid
Burr	Isakson	Rockefeller
Cantwell	Johanns	Sanders
Cardin	Johnson (SD)	Schatz
Carper	Kaine	Schumer
Casey	King	Stabenow
Chambliss	Kirk	Tester
Coburn	Klobuchar	Udall (CO)
Collins	Landrieu	Udall (NM)
Coons	Leahy	Walsh
Corker	Levin	Warner
Cornyn	Manchin	Warren
Donnelly	Markey	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Flake	Mikulski	

#### NAYS—27

Barrasso	Heller	Risch
Blunt	Hoeven	Roberts
Cochran	Inhofe	Rubio
Crapo	Johnson (WI)	Scott
Cruz	Lee	Sessions
Enzi	McCain	Shelby
Fischer	McConnell	Thune
Graham	Moran	Toomey
Grassley	Paul	Vitter

#### NOT VOTING—5

Ayotte	Coats	Shaheen
Boozman	McCaskill	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### EXECUTIVE SESSION

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the Barron nomination.

The Senator from Louisiana.

#### GREEN NOMINATION

Ms. LANDRIEU. Madam President, the Senate is about to proceed to several votes on important nominees, and I wanted to put in a strong word of support for James Walter Green, who has been nominated by the President to serve as U.S. attorney for the Middle District of Louisiana.

I was very pleased to recommend Mr. Green to the President for his consideration. I strongly urge my colleagues to vote with me to confirm him today. He has served our country in a variety of capacities, most notably 20 years of military service. He has been involved in multiple deployments, is the recipient of numerous military awards, including the Defense Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, the Combat Action Ribbon, and the Iraq Campaign Medal.

Not only is he a strong patriot who has been of extraordinary service to our country, he has also served for an additional 15 years in a variety of capacities in this office and supported their work through Republican and Democratic administrations.

He comes highly recommended by a broad cross section of individuals in my State, and I am pleased I was able to recommend this kind of high-caliber person to continue to serve in the full capacity as U.S. attorney.

Mr. Green will bring a wealth of legal experience to his role as U.S. Attorney for the Middle District of Louisiana. He has served in a variety of roles within the U.S. Attorney's office in both the Baton Rouge and Las Vegas offices, including as a trial attorney, trial section supervisor, acting criminal chief, acting administrative officer and first assistant U.S. attorney.

He is currently the acting U.S. Attorney for the Middle District of Louisiana and a member of the U.S. Marine Corps Reserves.

I have every confidence that James Walter Green will be exceptional in his role as the chief Federal law enforcement official in the Middle District of Louisiana.

I thank Senator DURBIN for his courtesy. I wanted to put in a strong word for this nominee. He is supported by both Senator VITTER and myself, and I hope to get a strong vote on him today.

I ask that the time be equally divided between the majority and minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, before we vote on the Barron nomination, I want my colleagues to know the White House continues to keep the Senate in the dark. Yesterday I called upon the White House to state once and for all whether it has provided to the Senate any and all materials written by this nominee on the drone program. The White House refuses to answer that simple question.

One hour after I spoke, the White House Press Secretary refused for a third time to confirm that the Senate has been provided all of this nominee's writings on the drone program. Why is that? Why will this White House not give us a simple, straightforward answer? We still don't know how much more is out there on this subject that this nominee has been involved with.

After this vote, my colleagues still will not be able to tell their constituents that the White House has provided all of this nominee's materials on the drone program because we simply don't know that is true.

Finally, I wish to emphasize one more point about that court order requiring the administration to make a redacted copy of one memo public. Senators should know the court also ordered the trial court to take a second look at the other additional secret documents to see whether any of those additional documents should be made public in redacted form.

If some of those documents were written by this nominee, and if the court orders them to be made public, Senators' constituents are going to ask why they didn't stand today to get that information. Their constituents are going to ask why they didn't stand up to this White House and demand to see any and all memos this nominee wrote on this subject before this vote.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. PAUL. Madam President, I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. PAUL. Madam President, I rise to oppose the nomination of anyone who advocates for the executive branch killing American citizens not involved in combat without trial. I strongly believe any nominee who rubberstamps and grants such power to a President is not worthy of being placed one step away from the Supreme Court. It isn't about seeing the memos, it is about

what they say and how they disrespect the Bill of Rights.

Due process can't exist in secret. Checks and balances can't exist in one branch of government. Whether it be upon the advice of one lawyer or 10,000 lawyers, if they all work for one man, the President, how can there be anything but a verdict outside the law, a verdict that could conceivably be subject to the emotions of prejudice and fear, a verdict that could be wrong?

The nomination before us is about a nominee who supports killing American citizens not engaged in combat without a trial. These memos don't limit drone executions to one individual, they become historic precedent for killing citizens abroad.

Barron's arguments for extrajudicial killing of American citizens challenges over 1,000 years of jurisprudence. It is quite simple; an accusation is different from a conviction, and due process is different from internal deliberations. The executive can accuse, but it cannot try and it cannot convict someone.

Critics will argue, but these are evil people who plot against and plan to kill Americans. I understand that. My first instinct is—similar to most Americans—to immediately want to punish these traitors. The question is, How do we decide guilt? Aren't we, in a way, betraying our country's principles when we relinquish the right to trial by jury?

Due process can't exist in secret. Checks and balances can't exist within one branch of government. If we can't defend the right to a trial for the most heinous crimes, then where will the slippery slope lead us?

Critics ask how we will try these people overseas. The Constitution holds the answer. They should be tried for treason. If they refuse to return home, they should be tried in absentia and provided a legal defense. If they are found guilty, the method of punishment is not the issue. The issue is, and always has been, the right to a trial, the presumption of innocence, and the guarantee of due process to everyone no matter how heinous the crime.

For these reasons I cannot support the nomination of David Barron. I cannot and will not support a lifetime appointment for someone who believes it is OK to kill American citizens not involved in combat without a trial.

I yield back my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Amy Klobuchar, Sheldon Whitehouse, Tom Harkin, Barbara Boxer, Richard Blumenthal, Elizabeth Warren, Debbie Stabenow, Edward J. Markey, Richard J. Durbin, Carl Levin, Charles E. Schumer, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Court Judge for the First Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. COATS), and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 161 Ex.]

#### YEAS—52

Baldwin	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	
Hagan	Nelson	

#### NAYS—43

Alexander	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Burr	Heller	Portman
Chambliss	Hoeven	Risch
Coburn	Inhofe	Roberts
Cochran	Isakson	Scott
Collins	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Landrieu	Toomey
Cruz	Lee	Vitter
Enzi	Manchin	Wicker
Fischer	McCain	
Flake	McConnell	

#### NOT VOTING—5

Ayotte	Coats	Shaheen
Boozman	Rubio	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 43. The motion to invoke cloture is agreed to.

**NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT**

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

**NOMINATION OF ELISEBETH COLLINS COOK TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD**

**NOMINATION OF JAMES WALTER FRAZER GREEN TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA**

**NOMINATION OF DEIRDRE M. DALY TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT**

**NOMINATION OF DAMON PAUL MARTINEZ TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, which the clerk will report.

The legislative clerk read the nominations of Elisebeth Collins Cook, of Virginia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2020; James Walter Frazer Green, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years; Deirdre M. Daly, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years; and Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

**VOTE ON COOK NOMINATION**

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate prior to a vote on the Cook nomination.

Mr. SESSIONS. Madam President, I wish to express my support for the confirmation of my former staffer, Elisebeth Collins Cook, to serve on the Privacy and Civil Liberties Oversight Board. Ms. Cook loves her country. She is a true patriot, and a person of character, courage, and integrity.

Ms. Cook has had a distinguished legal career. She received her undergraduate degree from the University of Chicago in 1997 and her law degree from Harvard Law School in 2000. She graduated from both prestigious schools with honors. Following law school, Ms. Cook served as law clerk to Judge Lee Rosenthal of the Southern District of

Texas, and Judge Laurence Silberman of the D.C. Circuit.

In 2002, she joined the prominent law firm Cooper & Kirk here in Washington, DC. After working for the firm for 3 years, Ms. Cook was appointed Special Counsel to the Office of Legal Policy at the Department of Justice. In 2008, she was confirmed by the Senate without opposition to be assistant attorney general for OLP.

In 2009, Ms. Cook joined my staff as chief counsel for the Supreme Court nomination of now-Associate Justice Sonia Sotomayor. Her work was superb. She helped me to examine the important issues raised by that nomination on a high level without resorting to personal attacks on the nominee.

In 2010, she returned to private practice as a partner with Freeborn & Peters in Chicago, before returning to Washington, where she is currently counsel at the well-regarded law firm Wilmer Hale.

Ms. Cook has had a wide-ranging law practice, including general civil litigation, policy initiatives, and Federal criminal investigations. The quality of her work has not gone unnoticed. Among her more recent accolades are the Intelligence Community Legal Award, multiple attorney general awards, and recognition as one of *Legal Times*' "40 Under 40." In 2008, she received the Edmund J. Randolph Award for Service to the Department of Justice, the Department's highest award for public service and leadership.

Ms. Cook combines a powerful legal mind, broad experience, good judgment, and a strong interest in serving her country. She has excellent people skills and works well with others, even when she disagrees with them. Her tenure on the board thus far proves as much.

I have nothing but praise for Ms. Cook's abilities, and am confident she will continue to acquit herself as a member of the Privacy and Civil Liberties Oversight Board. I am pleased to recommend Ms. Cook to my colleagues and I hope they will support her confirmation to this important position.

Ms. KLOBUCHAR. Madam President, we yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Elisebeth Collins Cook, of Virginia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2020?

The nomination was confirmed.

**VOTE ON GREEN NOMINATION**

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Green nomination.

Ms. KLOBUCHAR. We yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of James Walter Frazer Green, of Lou-

isiana, to be United States Attorney for the Middle District of Louisiana?

The nomination was confirmed.

**VOTE ON DALY NOMINATION**

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Daly nomination.

Ms. KLOBUCHAR. We yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Deirdre M. Daly, of Connecticut, to be United States Attorney for the District of Connecticut?

The nomination was confirmed.

**VOTE ON MARTINEZ NOMINATION**

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote on the Martinez nomination.

Ms. KLOBUCHAR. We yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Damon Paul Martinez, of New Mexico, to be United States Attorney for the District of New Mexico?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

**NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT—Continued**

The PRESIDING OFFICER. The Senator from New Jersey.

**IMMIGRATION REFORM**

Mr. MENENDEZ. Madam President, a year ago the Senate Judiciary Committee reported out a piece of legislation that would do more than increase the gross domestic product, do more than reduce the deficit, do more than promote prosperity, and do more than create jobs. It passed legislation that would take 11 million people out of the shadows in America, prevent anyone from becoming a second-class citizen in this country, and finally establish comprehensive, commonsense immigration reform.

Today, 1 year later, it sits languishing in the House of Representatives and 11 million people wait and wait and wait. While they wait, while they hope that we come to our senses and govern as we should, the toll from inaction compounds: families suffer, children suffer, deportations continue, and injustice prevails.

There is a cost to our inaction, a cost those in the House of Representatives are forcing upon us, as we wait for them to act, that accrues every day. They claim they are for fiscal responsibility. Yet their inaction is costing us each year, on average, \$80 billion of

real GDP, \$40 billion in higher deficits, 40,000 STEM grads who earn a Master's or a Ph.D. in STEM fields from U.S. universities, 50 million in the Social Security trust fund, over 50,000 fewer jobs, and \$13.5 billion in lost revenue.

I hope our Republican colleagues in the House understand exactly what the cost of inaction is. I hope they understand that every minute we waste passing commonsense immigration reform is costing American taxpayers more and more, and the cost is on them, and the losses I view as Republican losses.

The fact is Republicans are acting as if nothing is at stake, as if there is no cost, as if the lives of people and families are not in the balance, and they could not be more wrong. Besides the economic cost of inaction, there is a very real human cost. Franklin Roosevelt once said, citing Dante, that, "Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

Let us not be frozen in the ice of our own indifference. Let us act, govern. I call on my Republican colleagues to warm their hearts and think about the costs of inaction not only in dollars and cents but in the lives of families and the future of this Nation. The legislation we are waiting for is a comprehensive way to tackle our immigration problem.

We are on the verge of historic change. I am proud to have been part of the Gang of 8 that hammered out a strong bipartisan effort that passed this institution with 67 votes. That is not usual these days for questions of great controversy.

I say to my friends in the other body: Do the right thing for America and, by the way, for your own party. Find common ground, lean away from the extreme, opt for reason, and govern with us.

In my view, the leadership in the other body has a chance to be American heroes, a chance to bring both sides together in an alliance that will ensure passage of this bill. I believe, based on poll after poll, that a vast majority of Americans want immigration reform to pass, and will thank them for doing the right thing. I hope they have the political will. I hope they have the political courage to unite the Nation and send this bill to the President's desk. I hope they will pass a bill that will increase the gross domestic product, reduce the deficit, promote prosperity, and create jobs.

As I have pointed out on this floor many times, this chart shows cumulative economic gains of the legalization process over 10 years after passage of this legislation. Fixing the broken immigration system would increase America's gross domestic product by over \$800 billion over the next 10 years; it would increase the wages of all Americans by \$470 billion over 10 years, and increase jobs by 121,000 per year for 10 years. That is over 1.2 million jobs.

What do we ever get to do here that increases the gross domestic product, reduces the deficit, raises the wages of all Americans, and creates 120,000-plus jobs per year? Very little. This legislation does that, not just simply because I say it but because the Congressional Budget Office said many of these figures were, in fact, a reality. Immigrants will start small businesses, they will create jobs for American workers, and it is time to harness that economic power.

The CBO report also tells us we reduce direct spending and the deficit by \$158 billion over the next decade, and by another \$685 billion more from 2024 through 2033. Let's remember, we are talking about almost \$1 trillion in deficit spending that we can lift off the backs of the next generation, exactly what our Republican friends demand. Yet they are balking in the face of achieving one of their very fundamental principles. What other single piece of legislation increases GDP growth, increases wages, increases jobs, and lowers the deficit?

The Center for American Progress found that fixing the broken immigration system would increase wages of all Americans by \$470 billion over 10 years and increase jobs by 121,000 per year. What we realize now and what the numbers tell us is that giving 11 million people a clear and defined earned pathway to citizenship is, in effect, an economic growth strategy that lowers the deficit and creates jobs. That is exactly what we are looking to do to move this economy forward.

New Americans who follow this pathway we lay out will have to play by rules. They will have to pass criminal background checks, they will have to pay a fine, they will have to pay their taxes. But if they do, there will be no obstacle they cannot overcome to the day when they raise their right hand and pledge allegiance to the United States and become a naturalized citizen.

Too many families have waited too long for that day. Too many have waited too long to say those words that will change their lives forever. They changed my mother's life, and, in turn, gave me a chance to stand here today and vote for a pathway to citizenship that can change the lives of millions of others.

But it is not just the economics of the legislation that creates the urgency of now, it is the human toll, the toll on millions living in the shadows. That can be pretty dark and frightening. Last year over 150,000 people were deported just for paperwork violations. Hundreds of thousands have been deported despite having U.S. citizen children. They are not criminals; they are hard-working families trying to make ends meet.

For many years I have asked the administration to stop deporting fathers and mothers, stop separating families, stop taking away parents from their U.S. citizen resident children. Let me

tell you about one of these cases, the case of Carlos Oliva-Guillen who was about to be deported away from his three U.S. citizen children, including his 7-month-old infant son who is suffering from a life-threatening disorder. The baby was on the verge of a coma and facing potential brain damage while his dad was in detention about to be deported.

The doctors needed to do a blood test on Carlos, the baby's dad, to see if the baby's illness is genetic. Thank God that Carlos was released and brought back to New Jersey so doctors could pursue these lifesaving tests and treatment.

Those tragedies continue as long as we do not have comprehensive immigration reform. With all of these economic benefits and the tremendous human suffering at stake, what are we waiting for? We are waiting for the House leadership to stand up to a minority—to a minority. We are waiting for Speaker BOEHNER to schedule a vote. We are waiting for reason to prevail, for our Republican friends in the other body to once and for all do what is right and think about the cost of inaction, not only in dollars and cents but in the lives of the families and the future of this Nation.

We are waiting for the Speaker to stop letting the most radical voices, such as STEPHEN KING, dictate the future of immigration reform. Speaker BOEHNER himself has publicly denounced Congressman KING for his "hateful language." Yet the only—the only—immigration-related vote the Speaker of the House of Representatives has allowed in the past year was for radical proposals to end DACA and deport our Nation's DREAMers. It is time for Speaker BOEHNER to stand for the majority of the Republican Party and of the Congress in the House of Representatives and remove STEPHEN KING's undeserved carte blanche on immigration policy.

If we had a vote in the House, the Senate bill as passed would pass. It would pass today. It would pass with both Democratic and Republican votes. We have the votes in the House to pass the Senate bill. We just need the will of a Republican leadership behind a bill that reduces the deficit, increases the GDP, creates jobs. I cannot understand, for the life of me, why they cannot break the stranglehold by a few against the will of the many.

Considering that there are enough votes in the House to pass the Senate bill and send it to the President, we deserve action. Eleven million people deserve, at the very least, the political courage to face down the extreme minority and do what is right and govern from the commonsense center.

Time is not on our side. There is a limited window of opportunity. We only have about another 2 months at most for the Speaker to act. So it is in the Speaker's hands. Does he want reform or doesn't he? I know I hear him say he does. I want to believe that. I will be the first to applaud him.

Speaker BOEHNER, however, on the one side said he wants to get immigration reform. The next thing I hear is that he questions the President's commitment to enforce the law as the reason why they are not moving forward on immigration reform, even as this President is deporting more people than the Bush administration. This administration has deported almost 2 million people. I do not understand. When the Speaker says, "We can't trust the President to enforce the law," it seems to me what he is calling for is even greater deportations than the greatest deportations that have taken place over the last Republican administration.

So saying the President isn't enforcing enough, the Speaker is really arguing for more deportations and has done nothing to stop those deportations.

The only conclusion we can draw is that my friends on the other side support the current dysfunctional system, and they do so at a cost to the country. They do so at a cost to families, and I also believe that beyond all the policy arguments that I have talked about—the GDP, the reduction in the deficit, the creation of jobs, the raising of wages, helping our agricultural industry through the ag jobs provision, helping our high-tech industries through the provisions of the legislation, and so many others—not only do they risk all of that and risk the families, but I believe they risk their political futures.

The road to the White House goes through the barrio, as my friend in the House of Representatives, Congressman GUTIÉRREZ, says. If we look at States across the country in which there are large immigrant populations who vote, who are U.S. citizens, and who look at this as the civil rights issue of their time, you cannot win the electoral votes of those States if you cannot find a way to a commonsense immigration reform. So their own futures, politically speaking, are at risk.

But even more than that political risk, our country is at risk—a risk that will hinder our own economic growth and leave millions in the shadows as second-class citizens, a risk that deportations will continue to tear parents away from their infants, despite the parents desperately seeking to register, get right with the law, and pay their taxes.

I thought that so many of my colleagues talk about the family values. Well, family values isn't about ripping families asunder. Family values isn't about ultimately saying that someone has a paperwork violation, so you rip them apart from their three American children—a risk that we will address as one of the greatest civil rights issues of our time.

I have cases in my office of U.S. citizens and legal permanent residents of the United States unlawfully detained in immigration raids because of the happenstance of where they live or what they look like or how they speak.

Who among us, who have the privilege of serving in this institution, is

ready to become a second-class citizen because of the happenstance of where you live, what you look like or how you speak, when you are a U.S. citizen or a legal permanent resident? This includes among others, in one case, an Iraq war veteran who was detained while his status was determined.

My first and foremost focus is on getting the House Republican leadership, after 1 year of this body's having passed an immigration bill, to either consider the Senate legislation or their own comprehensive version. That is the ultimate solution. Everything else is a bandaid. But let me be clear. There is a limited window of opportunity we have open to us until the end of July.

If Republicans do not act, they will have forced the President to ultimately use his executive powers on enforcement questions and on deportation relief.

Either they are tone deaf to the priorities of the Nation's largest-growing and fastest-growing minority or they are ignoring the will and interests of their own party and acting against their own stated goal of reducing the deficit.

They can keep finding excuses for inaction, but there are no more excuses. Enough is enough.

The community across the country is riveted in their attention as to what is going to happen in the House of Representatives. I hope that attention will ultimately be a joyful one if the House acts. But if it does not, it will reap the wrath of a community who sees this as the critical civil rights issue of their time and the consequences will be longstanding. I hope they meet the better angels that are within them and ultimately produce the comprehensive immigration reform the Nation needs for its security, for its economy, for doing the right thing as a nation of immigrants, by doing the right thing for those families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

KOCH BROTHERS

Mr. ROBERTS. Madam President, as the ranking member of the Rules Committee, I take no pleasure in making these remarks, but the circumstances have given me absolutely no choice.

Our distinguished majority leader recently came to this floor and declared that his minority colleagues—that would be us on this side of the aisle, Republicans—were "addicted to Koch."

To those who regularly watch our proceedings, however, it is clear who is suffering from this addiction.

Practically every morning our leader starts our session by giving a speech personally attacking David and Charles Koch and their families. The only thing he seems to do more often than block Republican amendments is attack the Kochs.

As distasteful as that is, it is apparently no longer sufficient. The problem with addiction, of course, is that as a tolerance develops, more and more of

the drug is needed to satisfy the craving.

So now we have learned that not only does the majority leader spend his mornings attacking the Kochs, but he spends his evenings doing so as well.

Last night, the majority leader attended an event in the Capitol Visitor Center—the CVC in the Capitol building—to promote a movie attacking the Kochs. Never mind that the regulations prohibit—prohibit—the use of the CVC space for any "campaign, commercial, promotional or profit-making purpose."

As House Administration Committee Chairman CANDICE MILLER said:

We cannot hold partisan political rallies or fundraisers on the grounds of the Capitol, or within its walls. Our work in this hallowed building must solely be in the interests of the American people and not in the interest of any political cause.

This event is just the latest demonstration of an apparent belief that the rules do not apply to the Democratic leadership. We now have another new precedent: a majority leader appearing in and then promoting a movie in the Capitol.

It also further demonstrates the hypocrisy of the majority's quest to stifle dissent. They celebrate and promote films that attack their opponents but want to outlaw films that criticize the majority Members and their agenda.

The irony of promoting a film to advance their campaign to restrict speech is apparently lost on the majority. So it is worth reminding them what the Citizens United case was really all about. It was about a movie—"Hillary: The Movie," to be precise. "Hillary: The Movie" was made in the wake of "Fahrenheit 9/11." Anyone who saw "Fahrenheit 9/11" knows that the purpose of the film was to convince people that George W. Bush was not worthy of the Presidency and should not be given a second term.

Anyone who saw "Hillary: The Movie" knows the purpose was to convince people that Hillary Clinton should not be elected President of the United States. I suspect that many of the people who went to see the movie in the CVC last night thought that "Fahrenheit 9/11" was great and "Hillary: The Movie" was terrible.

The point of the Citizens United case was that it really doesn't matter. It doesn't matter which film a majority in Congress might prefer. The producers have the right to make and distribute either one, and they can raise the money necessary to do so as they see fit, not subject to any restrictions or limitations imposed by the Congress. They are guaranteed that right by the First Amendment to the Constitution of the United States. This Congress cannot take that away.

Is that too difficult a concept to grasp? Isn't it obvious? Of course it is.

Yet the majority has spent the last 4 years misrepresenting it, and now it even wants to amend the Constitution to reverse it. That is just incredible.



In a press release announcing an upcoming hearing on the majority's amendment to the First Amendment, it was declared that it was necessary to "build support for amending the Constitution to ensure that all Americans can exercise their First Amendment rights."

It is not necessary to amend the First Amendment to ensure that all Americans can exercise their First Amendment rights. Those rights are already guaranteed by the First Amendment as written. The amendment the majority wants to impose would allow them to once again curtail those rights. Why can't we just be honest about this. Because of the Citizens United decision, people of all points of view now have the opportunity to make their views widely known. Even people who disagree with the majority in the Senate have that right, and we should all be very grateful.

I know the majority preferred a system where those who wished to criticize them were restrained in their ability to do so. They want to reimpose those restraints. I do not think they will succeed, but we should make clear what they want to do.

In their view, a corporation that happens to own a network, such as NBC or CNN, should be able to broadcast the movie they promoted last night as much as they want. If the networks wanted to show the movie every night of the week for 2 hours, that would be just fine with the majority.

But if somebody wanted to buy a 30-second ad during the airing of the movie to present an alternative point of view, that would be unacceptable. A 2-hour movie? No problem. A 30-second ad? Terrible. It can't be allowed.

That is simply absurd, but that was the reality before the Citizens United decision. Media corporations could do or say whatever they wanted. Other corporations, however, could not. Citizens United ended that ridiculous distinction and the majority has been trying to reinstate it ever since.

The majority claims they are concerned about wealthy donors. No, they are not. They are concerned about wealthy conservative donors.

According to the Los Angeles Times, the very film they promoted last night received financing from foundations and large individual donations. But those donations were OK, I suppose, because they went to promote a cause the majority supports—attacking the Koch family.

Likewise, billionaires who support the causes of the majority are not targeted. Billionaire former hedge fund manager Tom Steyer has indicated he intends to spend over \$100 million to influence the midterm elections.

Does the majority have any problem with that? Of course not.

Spending huge amounts of money in politics only concerns them if it is spent against them or on behalf of their opponents, but if it is spent to promote the majority and their agenda—no problem.

The majority leader has convinced himself, however, and seeks to convince the rest of us, that the Kochs are somehow unique, that the Koch brothers present some kind of evil threat, if you will, that other billionaires with different points of view do not pose. He seems to think that for everything bad that happens the Kochs are to blame.

Recently he claimed that they were one of the main causes of climate change. He said: "Not a cause, one of the main causes."

What do we make of such a statement? Could anything be more absurd? There are over 7 billion people on Earth, but our majority leader believes two men, Charles and David Koch, are a main cause of climate change.

What is that all about?

Just yesterday, the majority leader blamed the Kochs for the wildfires in California. What is next? Maybe the Kochs are to blame for the planes lost in the Bermuda Triangle? How about the volcanic eruption at Pompeii years ago or even the futility of the Chicago Cubs? That has to be the Koch family.

The majority leader convinces himself that his Koch obsession is justified because he believes their political involvement is motivated only by their own financial interest.

It is inconceivable to him that people might exist who simply disagree with him and his agenda and want to see the country take a different path. The reality is that there are millions of Americans who want to see this country take a different path, and the Koch family proudly supports that goal and has made donations to help achieve just that.

You will never hear it from the majority leader, but it is time someone presented the rest of the story about the Koch family. This family has pledged or contributed more than \$1 billion to cancer research, medical centers, education, the arts, and to assist public policy organizations—\$1 billion. Is that the act of a family motivated solely by financial interests? I don't think so. Of course not.

Consider a few of these gifts: \$100 million as a prime contributor for cancer research at MIT; \$100 million to the New York-Presbyterian Hospital to build a new ambulatory care center, plus \$28 million to other research causes; \$20 million to Johns Hopkins University for a cancer research center; \$30 million to the Memorial Sloan-Kettering Cancer Center in New York; \$26 million to the M.D. Anderson Cancer Center in Houston; \$26 million to the Hospital for Special Surgery in New York City for the Building on Success campaign and other causes; and \$35 million to the Smithsonian's National Museum of Natural History to renovate what is called dinosaur hall, which will include one of the largest and most complete *T. rex* specimens in the world; \$20 million to the Museum of Natural History; and \$65 million to the Metropolitan Museum of Art. Likewise, the David H. Koch Charitable Founda-

tion gave \$100 million for the preservation and renovation of Lincoln Center, home to the New York City Ballet and the New York City Opera.

All these acts of extraordinary generosity are completely ignored by the majority leader. They are ignored because the Koch family has committed one unforgivable sin: They have opposed him and the Democratic majority and President Obama. They present a threat to the Democrats' hold on power. That is why they are being demonized. That is why they are being attacked. That is why they are being vilified. That is why they have become his obsession.

They have had the temerity to challenge the agenda of this majority and its leader, and the leader is not happy about it and he wants it to stop. And it looks as if he will do anything he can to make it stop, up to and including amending the Constitution of the United States. I think that is a disgrace. It has demeaned this institution. It should stop. The first amendment doesn't exist to protect those of us in this body. It exists to protect the people. It is there to prevent us from silencing our critics. And thank God for that.

I wish the majority would recognize that they do not have the power to silence their critics. The first amendment denies them that power. I wish the majority leader would stop engaging in character assassination against citizens who choose to exercise their first amendment rights. And I wish he would stop acting as though he is the only person on Earth who can say whatever he wants. He isn't. We all have the right to express ourselves—all of us—from Michael Moore to Citizens United, from Tom Steyer to the Koch family. All of us have that right. All of us. Let's stop trying to deny it. Let's stop trying to change it. It is beneath us. It demeans this body, and it is wrong.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as in morning business, followed by the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Mrs. MURRAY. Madam President, I came to the floor today to take a few minutes and talk about a piece of legislation I have been working on, along with seven of my colleagues from this Chamber and from the House of Representatives. That legislation is called the Workforce Innovation and Opportunity Act. This is a long-overdue bill

that will reauthorize and improve the Workforce Investment Act—or WIA, as we call it—which includes dozens of critical workforce development programs in all 50 of our States.

This is an issue I have been working on for more than a decade. For several years now I have been very proud to work here in the Senate to reauthorize WIA, so I am very glad we are finally on a strong bipartisan path to get this done for families and businesses in Washington State and across the country who have been telling me how important effective workforce programs are for them and their communities.

The reason we were able to introduce such a strong bill this morning—and a bill that I think has a real chance to become law—is the incredible bipartisan process we have had over the last few months to reach a compromise between both parties and both Chambers. So I would like to thank each of the Members who helped me introduce the legislation this morning by name: in the House of Representatives, Representative JOHN KLINE, Republican from Minnesota; Representative GEORGE MILLER, Democrat from California; Representative VIRGINIA FOXX, Republican from North Carolina; and Representative RUBÉN HINOJOSA, Democrat from Texas; and here in the Senate, Senator TOM HARKIN, Democrat from Iowa and the great chairman of our HELP Committee; Senator LAMAR ALEXANDER, Republican from Tennessee; and finally my close partner and cohort in this process, who is here with me today, Senator JOHNNY ISAKSON from Georgia.

None of us got everything we wanted in the bill we introduced this morning, but all of us got legislation we believe in. It is a bill that will help our workers, and it will help our businesses and the economy for years to come.

I am as strong a supporter of our Federal workforce development program as anyone. I have seen firsthand in my home State of Washington workers who were laid off and who were able to get new training and new skills and new jobs. I have seen many of our Washington State businesses, from aerospace companies to video game design firms, that were able to access workers with the new skills they needed to grow and compete.

But the fact is that we have been relying on Federal workforce development programs that were written in the 1990s, and with millions of new jobs that will require postsecondary education and advanced skills in the coming years, we will fall behind in the world if we do not modernize our workforce development now. We have to make sure that when high-tech jobs of the 21st century are created, Americans are ready to fill them. That is what we have done in this bill. We have doubled down on the programs that work, we have improved the programs that have become outdated, and we have created a workforce system that is more nimble and adaptable and bet-

ter aligned with what businesses need and more accountable so we can continue to make it better. That is what we were sent here to do—work with our colleagues across the aisle for the American people. We had a House proposal and we had a Senate proposal and we met in the middle.

I can't count how many times Senator ISAKSON, my Republican colleague, and I have talked about the importance of getting this done. His office happens to be right next door to mine. So whether we were at a committee hearing or on a train to the Capitol, we were always focused on how we could work together and find a path to a deal.

We are not done yet. I am going to be working with my colleagues in the Senate—Democrats and Republicans—to get their support for this compromise, and our colleagues will be doing the same in the House of Representatives.

This is an all-too-rare opportunity for all of us to get behind a strong, bipartisan, bicameral bill that will help our workers and get our economy back on track. I am very proud of the work that went into this.

I yield to my colleague, Senator ISAKSON. This would not be on the floor today without his tremendous work and his work ethic and his willingness to work across the aisle to get this done. I sincerely thank him.

I yield the floor.

Mr. ISAKSON. I thank the Senator from Washington for her overly kind remarks with regard to my participation. To reiterate and underline what is in fact true, we were a team for 8 years when we both chaired and were ranking member of the Subcommittee on Employment and Workplace Safety in the HELP Committee. We time and again had gotten it to a point we thought we could pass it and then everything was falling apart.

We were at a huge divide and chasm at the beginning of this year. The House had passed the SKILLS Act; we had passed an act. They didn't think we did anything; we thought they did too much. It looked like a chasm too far to bridge, but because of the work of Senator MURRAY, my office, and Senator ALEXANDER's office—VIRGINIA FOXX, for whom I cannot say enough. She was the original author of the SKILLS Act. She came to the table with us, and we sat down one floor below this building, this floor right now. We sat down around a long table, and we started talking about the art of the possible, not the art of the impossible.

Here are the high points I wish to focus on: first of all, consolidation of programs that were not working to empower programs that were working; flexibility for Governors, both on what they can do with their one-stop shops, as well as their ability to transfer money for unemployed programs and underemployed programs; 100 percent transferability on the behalf of the

Governors; 15 percent total flexibility of the appropriations that come to them through the WIA—Workforce Investment Act—and workforce investment program.

We skinned down the board so you don't have these huge boards. Instead, you have boards that can work. We reduced their size by about 61 percent. We included management as a majority but labor at the table, to make sure all facets of work were there.

Most important, we empowered the States to write the kind of curriculum for the kind of training their State needed. We have 4 million unfilled jobs in America. We sometimes talk about all the unemployment—and we all hate the unemployment—but we have some underqualified people who are underemployed who can take better and bigger jobs available in America right now if we train them for these jobs.

So this new Workforce Innovation and Opportunity Act is just what it portends. It is an innovation in the WIA Program, and it is an opportunity for millions of Americans to find the training and skills necessary to find a job and keep a job, which is, in turn, good for our economy and good for our country.

But this is something that happened because people of good will on both sides of the aisle and both sides of the Capitol got together and said let's figure out what we can do rather than argue about what we can't do.

Chairman KLINE and Ranking Member MILLER in the House—whom I served with on that committee years ago—did a tremendous job. VIRGINIA FOXX was very willing to work and TIM SCOTT, the Senator from South Carolina, who was the author of the SKILLS version of Virginia's bill in the Senate. Chairman HARKIN deserves a lot of credit, particularly for his focus on those with disabilities, and we preserve the programs that make sense for people with disabilities, retraining them and giving them the training they need to have meaningful and skillful employment in the future.

But, most important of all, LAMAR ALEXANDER, the ranking member, kind of steered the ship. He was the rudder in the water who helped guide us to the point we got to today.

I am pleased both the Senate and the House Republican conferences have all had presentations. The feedback we have gotten to date is extremely favorable. We hope this is going to be one of those rare occasions in 2014 where Republicans and Democrats come together for the benefit of the American people to address the No. 1 problem we face in America; that is, unemployment and underemployment, and empower people through innovation and opportunity for jobs in the 21st century.

I will end where I began. It would not have happened without Senator MURRAY. I am grateful for her help and assistance and I am proud to be her partner.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. ISAKSON. Madam President, would the gentleman yield for 1 second?

Mr. DURBIN. I would be happy to yield.

Mr. ISAKSON. To Senator MURRAY, if I could talk about our staff. Tom Nguyen is behind me. I could not have done what I did in this bill without Tom Nguyen, and Senator MURRAY has an outstanding staff who worked for us. I wish to have the RECORD include the tremendous staff work both of us received.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I would like to extend a gracious thank you to staff from my office, senior advisor Scott Cheney; my chief of staff Mike Spahn; my Budget Committee staff director Evan Schatz; Stacy Rich and Emma Fulkerson from my floor and leadership staff; my communications team, especially Eli Zupnick and Sean Coit; and everyone else from my team, who have all worked very hard to move this bill forward.

I would like to thank the wonderful staff from Senator ISAKSON's office: Tommy Nguyen, staff director of the HELP Subcommittee on Employment and Workplace Safety; as well as Brett Layson and Michael Black.

I thank Chairman HARKIN's Health, Education, Labor and Pensions Committee team: senior education policy advisor Crystal Bridgeman; chief education counsel Mildred Otero; disability policy staff director Michael Gamel-McCormick; disability policy advisor Lee Perselay; Derek Miller, staff director of the HELP Committee; deputy staff director of the HELP committee Lauren McFerren; and labor policy advisor Liz Weiss; and many more who have helped.

I also thank the staff for Senator ALEXANDER: senior education policy advisor Patrick Murray; education policy director Peter Oppenheim; Bill Knudsen; and HELP Committee staff director David Cleary.

Finally I would be remiss if I didn't thank the professionals in the Senate Legislative Counsel's office, specially Liz King, Amy Gaynor, Kristin Romero, and Katie Grendon.

The PRESIDING OFFICER. The Democratic whip.

#### VETERANS HEALTH CARE

Mr. DURBIN. Madam President, I am honored to represent the 12.5 million people living in the State of Illinois, and it is a special honor to represent 745,000 veterans who live in my State. These men and women have served their country honorably. Many of them are leading great lives and making great contributions to our State. Some are struggling, returning from war with wounds—visible and invisible.

I came to speak to the issue involving the so-called VA scandal at the Arizona Hospital. What I have been told is

troubling. What I have been told is that there were secret waiting lists of veterans who were being unnecessarily delayed when they needed critical medical care. The allegations suggest that some of them may have died while on the waiting list. That is as cruel an allegation as anyone could make about anybody and particularly cruel when it applies to our veterans.

We are trying to investigate this, as we should. The President sent his Deputy Chief Rob Nabors, a person I know, to Arizona today, but we are not going to stop with that. We are going to do everything we can to make sure every veterans facility across America is serving our veterans in a timely and professional way. That includes, of course, those in the State of Illinois.

Tomorrow I will be meeting with General Shinseki in my office. He is the head of the Veterans' Administration. We are going to focus on Illinois, because in Illinois we have five VA medical centers, 30 outpatient clinics, and 11 veterans centers. I want to make certain there are no secret waiting lists at any of those facilities, and I want to make certain we are doing everything in our power to serve our veterans in a timely professional way.

We know the stories—the stories that have come out of these wars we are concluding now. The war in Afghanistan is winding down to a close. Iraq was over just a few months, maybe 1 year ago, but despite the end of these wars, it is not the end of the war for many veterans. They come home with needs—serious needs: post-traumatic stress disorder, traumatic brain injury, amputations, serious problems that will haunt them for some time.

We promised these men and women, if they would volunteer to serve our Nation, if they were willing to serve and even die for our Nation, we would never quit on them; that when they came home, we would stand by them.

We passed a GI bill on the floor of the Senate several years ago. Jim Webb was the Senator from Virginia, a Marine Corps veteran himself of the Vietnam war. He brought in a modern GI bill for those men and women currently serving, and it passed overwhelmingly with both political parties supporting it, as they should. In a place where we don't agree on much, we sure agreed on that. When it comes to veterans and the GI bill, we stood together. We have to do it again on a bipartisan basis.

I read the comments from President Obama this morning. I thought they were unsparing in terms of his personal concern over what has been reported.

I know we all honor the contribution made to America by General Shinseki, a disabled veteran himself from the Vietnam war. He is an extraordinarily good man. The question is whether he can fix this problem if one exists.

I don't know about the Arizona situation. We will wait until those facts come together. But this much I do know: Our Veterans' Administration has been overwhelmed by disability

claims coming in at rates that surpass this country's experience in any previous war. Almost half, almost 50 percent of Iraq and Afghanistan veterans are filing for disability benefits when they come home.

The backlog at the VA is 300,000 cases—applications for disability. They have been pending for more than 125 days—4 months. Some have been in the process for more than 1 year. It is an improvement—300,000 from 611,000, which was the case last year—but not good enough.

Illinois has cut its backlog in half as well. But when I read some of the delay times in making a decision at the VA, we will understand why we find this still unacceptable.

Seven years ago the average processing time for an Illinois veteran claim was 1 year, maybe 18 months. Appeals sometimes took 2 years. Today veterans tell us the claim will easily take 2 years to process, maybe longer, and an appeal may take 3 or 4 years. Compared to the numbers of 7 years ago, the numbers are much worse today. I understand there are more veterans who are applying, but it just means we need to put the resources in place to serve this surge of veterans looking for help.

The veterans who call my office are just asking for updates and accurate information about the claims and medical care. They want to know if somebody—anybody—at the VA is taking a look at their application. They get conflicting information from the VA.

Sometimes the VA calls them back and says: You have to send such and such a document.

The veteran says: I have already sent it.

That kind of frustration for someone who is coping with illness or problems is unacceptable, and it is certainly unacceptable when it comes to our veterans.

Even when claims are processed, there are cases of mistaken identity. A bad address leads to canceled benefits and checks, and it takes months to fix it. I am trying to help. As chair of the Appropriations Defense Subcommittee, I put \$3.6 million in the Defense Department to speed up the program that allows servicemembers' records to be transferred to the VA electronically so we can have at least a quicker response from the VA. I directed the DOD inspector general in my bill to work with the VA inspector general to streamline the transfer of records between the Departments.

Another way we tried to step up support for veterans is by creating the Caregiver Program at the Veterans' Administration. I will be the first to tell you this was not my idea. It was the idea of Senator Hillary Clinton of New York. She used to sit back there, and she came up with an idea: If members of a disabled veteran's family will stay home with them and help them get through, we ought to help those members of the family. She called it

the caregivers act. It didn't pass while she was here, but when she left I liked it enough to call her and say to the Secretary of State, Hillary Clinton: Do you mind if I steal your idea and try to pass it? She invited me to be her guest, and I did. With the support of Senator Danny Akaka, Senator PATTY MURRAY, and others, we made the caregivers act the law of the land, and now across America hundreds of spouses and parents who care for disabled veterans are getting a helping hand. We provide them medical training, nurses training so they can take care of their veteran. We give them respite care of up to 2 weeks a year so they can have some time off, a vacation to recharge their batteries. If they have a financial hardship, we provide a modest amount of money to help them get by. It is the right thing to do. These veterans get to stay home with families who love them. That is where they want to be. From our point of view as a government, just to put it down to dollars and cents, it is a lot cheaper when they stay home. So we do well and the veterans do well. That is a great outcome.

We have to expand the reach of caregivers assistance through the VA so at every veterans center there is a source of information to tell that veteran and the veteran's family: The Caregiver Program is there if you want to stay home. We want to help you stay home and be healthy as you do.

I think that is a good thing to offer the veterans. The ones I have met, there are some amazing stories in Chicago that truly warm your heart to know that those veterans, after what they have been through, can stay home with their families and be there with the people they love and who love them too.

There is another area I wish to mention. Our committee has pushed the Veterans' Administration to focus on the sustainability of orthotics and prosthetics. We are worried about the professional workforce that deals with these important parts of restoring a veteran's life.

Twenty percent of the orthotics and prosthetics workforce, about 7,000 clinicians, will retire over the next 5 years. We have never needed these specialists more than we need them today: 1,715 servicemembers lost limbs in Iraq and Afghanistan. Many have lost multiple limbs. The United States has 5 quadruple amputees and 40 triple amputees from these wars. The VA serves 40,000 people with limb loss every year. That is why I am focused on this—to get the professionals in the orthotics and prosthetics fields of medicine to be trained and ready to help these veterans in the years to come while others are retiring.

There are 745,000 veterans in my State, and not a single one of them should be deceived about what they can receive for their service nor delayed when it comes to seeing a doctor or having their claims processed. Not one of them should wait 2 years before they

start getting disability benefits. We have 5 VA Medical Centers, 30 outpatient clinics, and 11 Veterans Centers across Illinois, and we have to be there to serve them in a timely way.

None of these facilities has the right to mislead or lie to the veterans about what doctors they can see or what services they can receive. The Senate just added \$5 million to the budget of the inspector general at the Veterans Administration, and the Inspector General is now investigating 26 facilities.

One of the toughest votes that a Member of Congress is called on to cast is whether we should go to war. It has happened a few times in my career. You don't sleep well the night before, wondering how you are going to vote, and knowing that at the end of the day, even if this is a just and necessary war, innocent people will die, including innocent Americans. What I have come to learn over the years is that it is not just a matter of that simple decision to go to war, but it is the cost of war—the cost in human lives. Over 4,000 died in the war in Iraq, and over 2,000 have died in the war in Afghanistan. There are thousands and thousands who come home with injuries, and, of course, there are the expenses and budget costs that come along with each and every one of these conflicts.

It really helps when you make these decisions and reflect on them to also be aware and honest about the real cost of war. The real cost of war in human life and human suffering can't be calculated, but we did make a promise that those who would stand for our country in those wars would have our help when they came home.

The scandal that has been reported in Arizona—the problems at the VA centers—is unacceptable in a Nation as great as America, and we owe it to these veterans and their families to stand by them. I promise I will, not just for veterans facilities in Illinois, which is my first priority, but for those across the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### LEGISLATING

Mr. ENZI. Madam President, I thank the Senator from Illinois for his comments about a problem—and how extensive it is—we are seeing across the United States. I don't think there is a Senator who is not looking into that and ensuring that something is done. I looked at the resources that have been allocated, and noticed that we increased the resources 60 percent in the last 5 years. I think there is a severe management problem, and after reading some of the emails I have received, I am very concerned about that.

I want to talk about a different subject today. A recent headline from a Capitol Hill newspaper declared that our current Congress could be the “worst ever.” Another said negotiating political agreements is a “lost art.” The whole country knows something is wrong with our government. The prob-

lem is that Senators are being prevented from doing their job. Common sense is ignored because bills are being made in a political vacuum. This results in more lengthy, complex, incomprehensible laws that defy logic.

Former House Speaker NANCY PELOSI famously said that Congress would first have to pass a bill in order to find out what was in it. That is a problem. Legislation is often hundreds, if not thousands, of pages long. One bill could contain provisions affecting everything from health care to housing and increase the debt by hundreds of billions of dollars.

I recently introduced a bill with Senator JOHN BARRASSO, also from Wyoming, that would take a page from Wyoming's State legislature handbook. In order to stop Congress from passing bills with countless, unrelated measures, S. Res. 351 would require any legislation considered by the Senate to be limited to a single issue. One topic per bill will help get things done. It means more understandable and manageable bills. This is not a flashy concept, but I have found people of both parties are receptive to it. It makes sense to them.

Change is hard and those who control the Senate now like the system we have. Most Members of Congress have no opportunity to weigh in, and neither does the public—directly or indirectly. This is a very tidy arrangement for those who are in power now, especially in the Senate. Nothing is approved unless the majority leader allows it to come out.

Dissenting opinions are rarely considered. The majority leader uses procedural tactics to prohibit amendments to improve bills in order to control the legislation and to prevent his party from taking politically difficult votes. He has done this more than any other majority leader—perhaps more than all the previous leaders. Political motivations and consolidation of power should not be used to deny Senators from either party the right to represent their people.

Last week the majority leader used procedural tactics to prevent us from voting on tax amendments important to Wyoming, such as the permanent State and local sales tax deduction amendment offered by my friend on the other side of the aisle, the Senator from Washington. We were also prevented from voting on amendments that would be important to all of us, such as preventing waste of taxpayers' dollars by stopping the IRS from giving bonuses to employees who have not paid their taxes. Amendments were filed by Members from across the country. By my count, more than 60 amendments to the tax package were filed by Senators from the other side of the aisle. Nobody is being represented by amendments. At some point we need to actually vote on the issues that are important to our constituents, and Members on both sides of the aisle who support these amendments need to insist on that.

Last week Politico's Huddle claimed "Senate GOP Filibusters \$85B Tax Extenders," but there is no opportunity to filibuster when the debate is cut off before it ever begins. That is what the majority leader did by filing cloture on the tax extenders package. Cloture is a political tactic designed to bring debate to a close after a supermajority of the Senate is satisfied that a matter has received adequate consideration.

In recent years this majority leader has often filed a cloture motion immediately—before there is an opportunity to debate or introduce amendments, not after adequate consideration. The number of same-day cloture filings has more than doubled compared to when Republicans last controlled the Senate. We are not even being given a chance to debate, much less offer amendments, and that is why I have joined Senator GRASSLEY, a Republican from Iowa, in cosponsoring his Stop Cloture Abuse Resolution. It would amend the Senate rules to prohibit filing cloture until there has been at least 24 hours of debate.

Another telling statistic is the number of amendments the current majority has blocked from being considered in the Senate. As this chart shows, in 2005 and 2006, the Senate voted on almost 700 amendments on the Senate floor. Since the Senate has been controlled by the current majority, the number has dwindled. In 2011 and 2012, there were about 350 amendments, and since July of last year, the majority leader has allowed votes on only 9 Senate Republican amendments. The House—where debate is very limited and controlled by the majority—had 132 votes on Democrat minority amendments.

Let's see. The minority in the Senate—the cooling saucer for the country where there is supposed to be open debate—had nine amendments. The House—always controlled by the majority in a very strict way with a rules committee—had 132 Democratic minority votes on amendments.

The leader has used the tactic of filling the amendment tree to prevent amendments from being introduced, and because of that tactic, the amendment to prevent wasting taxpayers' dollars by stopping the IRS from giving bonuses to employees who have not paid their taxes doesn't get to come up. That is just one example of many that has happened. In the last 8 years, he has used this tactic 86 times, and of course, we are still counting. By contrast, the last six majority leaders combined only filled the tree 40 times.

What is filling the tree? It is a political tactic of setting up a few amendments that cannot be taken down, that have to be voted on before the bill can be done, and filing cloture even prevents those from getting done.

The chart shows that there have been 86, and still counting, and the six previous leaders only filed cloture 40 times.

Filling the amendment tree has become a routine way to prevent any

Senator—majority or minority—from exercising their right to offer an amendment because once the tree is filled, no Senator can offer an amendment.

Almost half of the Senate has been here less than 6 years. Yes, 45 of the 100 Senators are in their first term. They don't realize that there is a better way. They have not seen how it could work, how it did work, and how it should work.

I know how this can hurt. I once had a bill that would have been the first step of 10 for solving health care in this country, and it was a small business health plan. It would have allowed small businesses across the country to join together through their association to get a big enough block to effectively negotiate with the insurance company or even set up their own selfinsurance pool.

The majority leader was willing to bring it up and then filled the tree and filed cloture. I had 2 people that would have made the 60 votes necessary to get that passed, but each had 1 amendment to the bill, and they would have been good amendments. They were not allowed to bring up their amendments, and consequently I wound up being just short to pass a very important bill that would have brought down health care costs for this country and might have encouraged people to do the other nine steps in the plan that Senator Kennedy and I put together and provided more in the way of insurance than what we have now, and it would have been paid for.

Committees should have the first opportunity to shape legislation. It is there that Members are able to iron out unintended consequences and craft better legislation before it goes to the floor. There is a lot of flexibility in the committee process. I used to sit down and go through all the amendments. There might be 200 amendments on a bill we were working on, and we would put them into piles according to what we covered. We would look to see who was involved in that particular pile and send that bipartisan group off to come up with a solution to these multiple solutions that had been presented. They were usually able to craft something out of that and bring it back as another amendment that would make the bill better and eliminate unintended consequences and perform a real service for our country.

Most of the bills now don't go to committee first. After a bill goes to committee, then it comes to the floor. All 100 Members of the Senate should have an opportunity to improve the legislation. The reason we have so many people in Congress—100 here and 435 at the other end of the building—is to bring together 535 different backgrounds that can suggest improvements to bills. Different Members may know something from their background that others may not have noticed, and that is why we do amendments. Rarely is that happening in to-

day's Senate. More often than not, committees are ignored and massive legislation is the result of a few people behind closed doors deal making for the more than 535 Members of Congress. We need to get away from deal making and start legislating again, and that is apparent, especially in our spending. The job of Congress is to decide how much the Federal Government should spend and on what priorities. That is not being done under the Senate's current management. Deals are made.

In fact, last January, the legislation we voted on was a deal between one Member of the House and one Member of the Senate. Do you know how many amendments we got on that? Nobody had an amendment to it. The debate was very limited. There was \$1.1 trillion spent on one vote that was put together by two people. That is deal making, not legislating, and that is what is costing this country so much money and what stifles things.

A couple of weeks ago we had a bill that was allowed to have amendments, and in 2 days we covered the amendments and passed the bill unanimously because it had been improved significantly. That is what we need to get back to. More time is spent on negotiating not to have amendments than it would take to vote on 75 amendments on a bill. Yes, a lot of them would fail, and that is typical, but at least a Senator could feel that his constituents have been heard but he just didn't have the votes for it. At least they have been heard, and that is what we are missing right now.

We are not getting to cover the amendments, and they can be covered relatively quickly. So deals are made and then spending bills are all packaged into one massive "take it or leave it" bill and the deficit has increased.

In 2013, the Senate didn't pass a single appropriations bill. We were supposed to do 12 of them right after April 15. We didn't do any of them. We only considered 1 of the 12 bills on the Senate floor, and that bill was shut down because the first amendment the majority leader didn't like, so he pulled it off of the floor and he never brought it up again, nor did he bring up any other spending bill. Is it any wonder that since January 2009 the total Federal debt stood at \$10.6 trillion and now it is over \$17 trillion? We don't budget; we don't appropriate; we just deal-make. It has never risen so high so fast in our country's history.

Similar to legislation on one topic per bill, we should look at each spending bill individually. The committees should be able to look closely at each branch and each agency. That is how it used to work before the power shift, but we can make some changes now to encourage more spending scrutiny. We could switch to a biennial appropriations process. That means once every 2

years for each agency. I have introduced S. 625, the Biennial Appropriations Act, and I am cosponsoring Senator JOHNNY ISAKSON's version of the legislation.

My bill would require the President to submit a 2-year budget resolution at the beginning of each Congress. Congress would then adopt a budget resolution. Following adoption of a budget resolution, Congress would focus on appropriations bills. Each Congress would debate the Defense appropriations bill; however, the other appropriations bills would be split into two groups. The more controversial bills would be debated in the first year after an election and the easy ones would be done the year before an election. Of course the bill would mandate at least one joint oversight hearing with the authorization committee and the Appropriations Committee in the off-appropriations year for those particular bills.

When you are spending a trillion dollars, it is so much money that nobody can look at the details. I don't even remember the last time we looked at something as small as a billion dollars, let alone a million dollars, and a million is a lot of money out where I live. We have to get back to where we can have some scrutiny on the appropriations, not a one-time deal.

Congress has 535 elected representatives. When each of us looks at every proposal, lots of viewpoints and experience get put into the decisions we make for our country, but if all decisions are made by the majority leader, the vast majority of Americans get shortchanged. Shortcuts are taken, committees are skipped. Legislation is long, cumbersome, and it is not easily read and understood. If you skip all the process to do that, then spending will reach all-time highs and we will get less for our money. That has to change.

These are some ideas on how we can solve those problems. This won't change unless those who are here exercise our rights. That may not happen until those outside Washington demand that these and other ideas get considered. Demand your Senators be allowed to represent you.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Alaska is recognized.

Mr. BEGICH. I wish to speak as if in morning business to talk about one issue, IRS overreach.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Before I do that, I do want to say to my friend who just spoke, I am one of those who loves biennial budgets. I think it is a great idea and one we should continue to work toward. It makes work a little bit better and we also get a little bit longer planning horizon.

#### IRS OVERREACH

Mr. President, I come to the floor because there has been a lot of talk recently in different areas about the IRS, and virtually none of it is good. Let me

be clear. The IRS going after taxpayers for debts allegedly incurred by their dead relatives is shocking. Tax-delinquent employees with IRS bonuses are offensive. Targeting individuals or groups for their political beliefs is unacceptable. But today I want to talk about a different issue: a vital industry in my State crushed by overbearing IRS enforcement of their own incomprehensible regulations.

Folks who have been to Alaska know we have some of the most beautiful terrain in the world. Most of the best sights, however, are off the road system. What does that mean? That means you cannot drive to them. That means if you want to visit a remote part of the Denali National Park or try to spot some bears or go to a great fishing area, the easiest way to do that is by airplane.

Companies that provide these sightseeing services are overwhelmingly small businesses, mom-and-pop operators. They aren't tax attorneys. They aren't CPAs. They are pilots. They live to fly. As you can see right here, this is an incredible view right outside of a glacier where a small plane has just landed. That is why it is so devastating that at least one of these businesses had to sell its plane to pay the IRS and close up shop forever. Countless others live under the cloud of uncertainty because the IRS goes to extraordinary lengths to find them liable for taxes. In fact, one company received this massive tax bill, including penalties, even after they had negotiated with the IRS and received a favorable resolution. In other words, this bill came after they had agreed with the IRS to get rid of these penalties and these interest charges and everything else. The IRS said there was a little mixup, and maybe for them that is all it was, but for a small business it could mean financial ruin. Also, getting a bill like this would drive you crazy after you just had a conversation with the IRS and resolved this.

Let me give a little history. Air transportation is usually subject to excise taxes, which go to a trust fund for airports, much like the gas tax pays for the highway trust fund. But since 1970 Congress has made it crystal clear that these excise taxes shouldn't apply to small aircraft, the type shown in the first photo.

Here is another example. These types of planes have not been subject to excise taxes since 1970, unless they are flying regularly scheduled routes, such as the route I take going back home to Alaska. I fly from the airport in Washington, DC, to Seattle and then to Anchorage. Those are regularly scheduled flights.

But the IRS brought down the enforcement hammer on some businesses in Nevada and Alaska. Those companies sued the IRS and eventually lost. So Congress came back again in 2005 and said, look, we meant what we said in 1970. Small aircraft used for sightseeing are supposed to be exempt from

excise tax—pretty simple, pretty clear, not complicated.

But the IRS doesn't get it. The IRS still won't listen to Congress. The IRS still thinks it can ignore the plain meaning of the law backed by clear congressional intent. A lot of folks around here talk about Federal overreach. This is a perfect example of Federal overreach. Congress told the IRS not once but twice: Small aircraft offering sightseeing services should not have to collect excise taxes, and still the IRS thumbed its nose at Congress and says, "We'll do whatever we like," in clear contradiction to the plain meaning of the statute that was supposed to be upheld.

That is not the way this country is supposed to work. Agencies such as the IRS don't get to go it alone. They are bound by the Constitution to enforce and follow the laws that Congress writes.

I was pleased about a recent letter that was written to the Alaska Air Carriers Association in which the IRS acknowledged their guidance was unclear and inappropriately enforced. They offered to give refunds to companies flying small aircraft on sightseeing tours. While it is a step in the right direction to recognize they got it wrong, they refused to back down completely. The IRS is still reserving the right to go after these same companies in the future.

That is why I called the IRS Commissioner into my office last week and that is why I am here today, to make it clear to the IRS that I will not stand idly by while they send Alaskan small businesses into bankruptcy. I will keep coming here as long as I have to, until the IRS lets Alaskan small businesses do what they do best: Fly and share all of the beautiful sights my great State of Alaska has to offer to all Alaskans and all Americans.

It is happening in Alaska. It is starting to happen in other States. My guess is this will go anywhere there are sightseeing planes to be determined from the IRS perspective that they know what is best. The law is clear. The IRS in their letter made it clear that their interpretation of the law may be unclear and inappropriately enforced. Well, if it is wrong, don't enforce it, or enforce it the way it was set out in 1970 and 2005. If you put someone in a plane and take them out for sightseeing, they are exempt. There is no rate or schedule.

Here is what is also amazing about this. I will go to this first photo again, the one with the glacier. They are restricted as to where they can go. So when the IRS says they flew from point A to point B on a regular basis, that is because they are regulated by the Federal Government to go to that location. I think this visitor would love to fly all around the glaciers, but they are not allowed to by Federal law. So they are sightseeing, and the law is clear about this. But, once again, the IRS has determined what they think the



law is. The FAA, which regulates the air industry, makes it clear who is sightseeing and who is regularly scheduled. So I would plead with the IRS to do the right thing here, settle this issue once and for all and make it crystal clear. The law has been passed by Congress—not once but twice. It is time to get off the backs of these small businesses, small business people, not only in my State but across this country. Ensure they can do their business, and make sure the great sights of Alaska can be seen by anybody anytime through these great tour operators who operate in my State and the operators all around the country.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WRDA

Mr. BARRASSO. Mr. President, I rise today in support of the 2013 Water Resources Reform and Development Act conference report. I agree with my colleagues who have spoken about this and who believe that passing this conference report is important for our communities. As ranking member of the Subcommittee on Transportation and Infrastructure and as one of the members of the conference committee that came out with this report, I believe the agreement we have today addresses the issues facing the Army Corps of Engineers and facing our country.

We have problems in this country with aging infrastructure, we have problems with a lack of transparency, and we have problems with fiscal accountability—all of which impact public health, public safety, as well as the environmental welfare of our communities. As a conferee, I and my staff have worked with our colleagues on both sides of the aisle and both sides of the building, House and Senate, to create a bipartisan product to address these real concerns. We may have our differences on some key issues, but the bulk of what we have accomplished is about protecting our States. It is about protecting our constituents. It is not about partisan politics.

For example, issues such as flood mitigation are very important to my home State of Wyoming. Predicting floods and being able and better prepared for them is a major component in keeping Wyoming and other western communities safe. That is why we have successfully included language in this

bill for the authorization of the Upper Missouri Basin flood and drought monitoring. This program will restore the stream gauges and the snowpack monitors through the Upper Missouri Basin at all elevations. These gauges are used to monitor snow depth and soil moisture to help inform agencies such as the Corps of Engineers as to potential flooding as well as drought in the future. This type of monitoring will help protect communities and will save lives.

We also included language in this bill for technical assistance to help rural communities comply with environmental regulations. Rural communities often don't have the expertise or the funding to make important upgrades to their water systems. Dedicated professionals, such as the folks at the Wyoming Rural Water Association, use this funding to go into those communities and provide the critical assistance these people need.

We also secured an agreement that establishes a 5-year pilot program known as the Water Infrastructure Finance and Innovation Act. This program will allow the Corps of Engineers and the Environmental Protection Agency to provide loans and loan guarantees for flood control, for community water systems, for aging water distribution facilities, and for wastewater infrastructure projects. It also includes language that makes tribes eligible for the loans.

As I mentioned, transparency and fiscal responsibility are also important components to tackling the issues that need to be addressed with the Army Corps of Engineers. That is why we have included language in the conference report to create an Army Corps project deauthorization process. Under this process, the Army Corps would identify projects for deauthorization based on established criteria. Then, after taking public input, they would submit those projects as a single package for an up-or-down vote in the Congress.

Many of these projects are on the books and have been on the books for extended periods of time, and they authorize the expenditure of millions of taxpayer dollars. Yet these are projects that are going nowhere. Under this conference report, the Corps would have to propose a list of the projects to cut. The list would total \$18 billion and would be sent to Congress for this up-or-down vote. And \$18 billion is more than enough to offset the entire total authorization of this piece of legislation.

It truly is time for the Corps of Engineers and for Congress to clean the books, cut the waste, and bring fiscal responsibility to this WRDA process.

I wish to thank my colleagues, including Chairman BOXER, Ranking Member VITTER, and former Senator Max Baucus for the bipartisan process under which this bill was considered.

The conference report is not perfect, but I believe we have achieved a prod-

uct that is substantive, effective, and in the public interests. It is a product that will save lives, maintain the flow of commerce, and protect communities for years to come. Therefore, I urge my colleagues on both sides of the aisle to support this conference report.

Once again, I thank the Presiding Officer and my committee colleagues for their willingness to work together on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to give this speech in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Mr. HATCH. Mr. President, I want to take a few moments this afternoon to correct the record on something very important.

In his opening remarks this morning, the distinguished Senate majority leader made a number of claims and accusations relating to the tax extenders legislation.

As you will recall, last week the Senate voted not to invoke cloture on the substitute amendment to the tax extenders bill. Since that time, the Senate majority leader has been accusing Republicans of voting against tax relief. He said we are obstructionists and that we "work so hard to do nothing." This is, as we know, par for the course.

When the majority leader is not calling out American citizens by name and attacking them for getting involved in the political process, he is usually accusing Senate Republicans of one thing or another, and doing it so unjustifiably.

Today, he attacked me personally for my vote against cloture on the tax extenders substitute, saying: "The primary Republican who negotiated this, the ranking member of the Senate Finance Committee, voted against his own bill."

It is true that I negotiated. It is true that I helped to get it through the committee. It is true that I got our side to agree to a voice vote.

Needless to say, I cannot let this go unanswered. I am here now to set the record straight.

First and foremost, I want to make clear that I support the tax extenders legislation, and everybody in this body knows it, and if they do not, then they better go take an IQ test. I want to see that bill passed, and I believe we should pass it sooner rather than later.

I do not want speak for anyone else, but I suspect that the majority of Senate Republicans feel the same way. But there are serious and legitimate process issues at stake here.

At the time of last week's cloture vote, the substitute amendment had been available to the full Senate for little more than a day. Although there were 167 amendments filed—including about 70 Democratic Party amendments—the distinguished majority leader blocked the consideration of any and all amendments.

This, unfortunately, has become the norm here in the Senate, where we have voted for a grand total of 9 Republican amendments in the past 10 months—9. By contrast, in the House of Representatives, where the Republicans are in complete control, where the Rules Committee is 9 to 4 in favor of Republicans—the committee that decides what comes to the floor—the Democrats, who are in the minority, have had votes on 242 of their amendments in that same timeframe.

SHEILA JACKSON LEE, for instance, a single Democratic House Member, has received votes on 22 separate amendments in the same timeframe that all Republican Senators have, combined, received votes on only 9.

So, yes, I, along with almost all of my Republican colleagues, voted against cloture—in fact, all but one voted against cloture—on the tax extenders substitute. But I made it clear before and after the vote that my vote against cloture was a vote to allow Senators—both Republicans and Democrats, especially those who do not serve on the Senate Finance Committee—an opportunity to amend the tax extenders legislation, something you would think every Senator in this body would want to justify and would want to support.

As I said, at the time of the cloture vote, there were a total of 167 amendments filed. Yet the Senate majority attempted to close off debate on the bill without considering or voting on a single amendment—on a bill costing \$85 billion so far. That is no way to operate the Senate, particularly on a bill as broad and as consequential as the tax extenders bill.

There are a lot of interests at stake with the expired or expiring tax provisions, a number of voices that deserve to be heard. Why, then, would we want to rush through the debate without considering a single solitary amendment? It does not make sense.

My vote against cloture was never intended to kill this legislation, as the majority leader claimed this morning. As I made clear last week, my vote was for a fair, open, and cooperative process—a bipartisan process, if you will, something we have not had much of around here lately. I would have thought the majority leader would have been listening last week when Republicans, including myself, made it very clear why we were voting against cloture. But either he was not listening or he forgot everything we said because this morning he came to the floor to attack us, once again, claiming that somehow our votes against cloture on the tax extenders legislation were related to President Obama.

So let me make it clear for our distinguished majority leader and anyone else who may be misunderstanding what is going on with the tax extenders bill. This has nothing to do with President Obama. There is only one person who is stopping the tax extenders bill from moving forward. It is not me. It is not the minority leader. It is not anyone on the Republican side or caucus.

The distinguished majority leader could solve this impasse today if he would simply allow the Senate to operate in a way it always has. He knows—and he knew then when he made these comments because we chatted the day before—he knew that my job is to try and winnow down the total number of amendments on this bill, approaching almost 100 for each side, and get it to where we basically could pass this bill.

He can come to the floor as often as he wants to attack Republican Senators or anyone else, but that does not change the fact that he is the one in control here. He is the one who will decide if the Senate will live up to its legacy of being the greatest deliberative body in the world or if it will continue to be what it has become—a graveyard of ideas.

Once again, I stand willing and able to work with the Democrats to get this bill across the finish line. I do want this legislation to pass. It is important legislation. But I do think we ought to have the Senate operate as it always has in the past, where each side has at least a reasonable opportunity to bring up amendments that they consider to be important. It is important that the Senate operate in that way, and not in the way it is currently being operated. As I said, it is not up to me.

#### CALIFORNIA DROUGHT RELIEF

I would like to take a moment to address the California drought relief bill Senator FEINSTEIN has been working so hard on for the past several months. There is no question that we are facing some very serious conditions across the West. We need to be doing all we can to provide relief to the farmers in California and elsewhere. But it does not make any sense that this drought has gotten to the point that it has when it could have been avoided. This is a man-made crisis. The water that should have been and could have been stored behind the dams in California's Central Valley during the past several years has instead been flushed downstream to create fish habitat for the endangered delta smelt. Now, do not get me wrong, protecting our natural resources is important. But there is a problem with our system when we put the needs of fish—and especially this fish—ahead of the needs of people.

This is happening in other States too. We are seeing the needs of people made secondary to the regulatory requirements that may or may not even be benefiting the species they are designed to help.

I think we have some of the stupidest people in the environmental movement that you can possibly imagine. They

consistently place these trumped-up situations against human beings and humankind. It is getting real old to me.

Senator BARRASSO has an amendment to Senator FEINSTEIN's bill that would bring some common sense into this situation by allowing for some flexibility for communities that are facing dire situations as the result of Federal regulatory requirements.

I support the Barrasso amendment and would have liked to have seen it included in the California drought relief bill. I also recognize that the farmers and farm workers in California cannot afford to have Congress playing games with their livelihood. For that reason, I am not going to object to this bill.

To have California, where some of the greatest, most productive farmlands in the world are, basically shut down for really what are stupid approaches when there could be an accommodation to help both sides on those issues is hard for me to understand.

When the members of the California delegation sit down with the committees of jurisdiction to work out the differences between the Feinstein bill and the bill that has already passed the House, I would urge them to implement Senator BARRASSO's proposal into the final bill. This will help rural communities across America avoid getting into potentially disastrous situations that are caused by out-of-date, out-of-touch regulations.

The economy and job creation do not have to be at odds with conservation. This is the perfect opportunity to create some badly needed flexibility to make sure they are not. I, for one, would like to see that for a change in the Senate.

I sure would like to see us depoliticize this place so we can work together again. I have been here only 38 years, but I have to tell you, there were many times in that 38 years where we worked together, we solved the problems of America together, and we had the country running well. Frankly, we all walked out of here feeling pretty good.

Most people in the Senate right now do not feel all that good—first of all, because of the way it is being run; secondly, because there is a partisan divide that exists—on both sides, by the way; thirdly, because we have a rough time getting people together in a bipartisan way; and last but not least, because we do not spend much time together anymore. It used to be that Senators got together and cared more for each other and cared less about attacking each other and cared less about some of the ridiculous, stupid things that have been going on over the last few years.

I would suggest to my Democratic friends that they start thinking this over because the Senate has really gone downhill. We have to stop it and start working together for the best interests of our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 2366 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

WATER RESOURCES REFORM AND DEVELOPMENT ACT

Mr. WICKER. I rise this afternoon to express my strong support for a new Water Resources Reform and Development Act, which we can send to the President this very week, and it will be a great bipartisan accomplishment. It will be a major win for economic development also.

I am proud to have worked on this legislation as a member of the Environment and Public Works Committee, and I am excited about the potential the WRRDA bill has to make a difference in States such as my home State of Mississippi.

Like many States, we routinely depend on water infrastructure. In Mississippi, our ports and waterways are crucial to commerce, and our system of levees protects us from natural disasters. These modernized ports and commercial waterways are critical to maintaining competitiveness in a global economy. They are essential to boosting trade and job growth across the Nation.

The House-Senate agreement on this new water resources bill—the first in 7 years, I might add—would accomplish a number of goals, from restructuring the inland waterway system to completing storm protection projects. It would help ensure that U.S. industries have a reliable, navigable, and cost-effective transportation network to do business.

In particular, I am encouraged by reforms to the harbor maintenance trust fund which promise to help our ports with much needed dredging. The fund, which was established for port improvements, is currently underutilized. Using this money for its intended purpose would help facilitate critical port

upgrades—an especially important investment in preparation for the upcoming completion of the Panama Canal expansion.

The U.S. Army Corps of Engineers has estimated that America's busiest ports, including the Port of Pascagoula in Mississippi, are operating at their full capacity only 35 percent of the time or less. This is unacceptable. As a matter of fact, for other ports around the country, the situation is worse than that.

A lapse in maintenance can become a vicious cycle, impairing a port's ability to secure future maintenance dredging. Coastal ports, such as Mississippi's Port of Gulfport, have been disadvantaged as a result. We haven't received the maintenance. We have less traffic. Therefore, we are entitled to less future maintenance dredging.

I am pleased to report to my colleagues that thanks to an amendment by Senator THAD COCHRAN of Mississippi on crediting authority for navigation projects, ports such as the Port of Gulfport would have greater flexibility in making dredging upgrades.

Other provisions in the new water resources bill seek to ensure fiscal responsibility by streamlining project requirements and timelines. This means allowing greater private contributions to infrastructure repairs and deauthorizing projects no longer in the national interest.

Mississippians understand why water resource infrastructure matters. In recent years we have faced very different challenges because of extreme conditions on the Mississippi River. First, historic flooding put flood control mechanisms such as the Mississippi River and Tributaries Project to the test. Then the very next year severe drought turned large stretches of the river into nothing more than sandy beaches. These situations can have a big impact. Any disruption in the movement of goods along the Mississippi River has the potential to affect staple products such as corn, grain, and petroleum. When that happens, consumers are often left with higher costs. The Mississippi River alone is responsible for more than \$100 billion of America's gross domestic product.

For our coastal communities, this Water Resources Reform and Development Act would also advance beneficial storm protection projects. Many of these projects, developed after Hurricane Katrina under the Mississippi Coastal Improvements Program, have been left unfinished. Their completion would help create more resilient coastal communities and lower the risk of future hurricane and storm damage.

Of course, our work is not finished. Implementing this legislation will require oversight, and more can be done to improve our inland waterway trust fund and to protect medium-use ports. I hope in a couple of years we will be considering another Water Resources Development Act. In other words, I

hope we don't wait another 7 years for a WRDA. But today and tomorrow we have an opportunity for a great step forward, demonstrating the strong bipartisan cooperation that exists in the House and Senate for America's future vitality and competitiveness.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Ohio.

CHINA

Mr. BROWN. I rise to discuss the growing problem with U.S.-China relations.

Earlier this week we saw another example of how the Chinese Communist government will do everything it can—anything—to get ahead. The United States of America, in something that rarely happens, charged five Chinese military officers and accused them of hacking into American nuclear, metal, and solar companies to steal trade secrets.

This is not only a national security concern, it is an economic concern. Two who were allegedly hacked are U.S. Steel and the United Steelworkers union—organizations with which I have helped to file unfair trade practice cases against Chinese state-owned companies. It is not only a cause-and-effect, but these two entities, a steel company and a steelworkers union, filed unfair trade practices against China, and now the U.S. Government is filing legal charges against them for going after these two companies—against the Chinese.

We won these trade cases because we held China's feet to the fire and used our trade laws to level the playing field for our steel companies and our steelworkers. Jobs were saved and factories stayed open because of these trade cases, and that is precisely why China is targeting these companies.

We know the Chinese will do just about anything to get ahead economically. Fair enough. We also know that China will cheat and spy. The best example is currency manipulation, which makes Chinese exports more competitive.

When you manipulate the currency—when China sells products into the United States, the price is less, basically subsidizing Chinese exports into the United States, putting American workers out of jobs. When U.S. companies export to China, because China has manipulated the currency, it means that the prices are higher for these American goods, making them significantly less than competitive, if you will, in China. So when China cheats on currency, our workers at U.S. Steel in Lorain, Wheatland Tube in Warren, Vallourec Star in Youngstown, and TMK IPSCO in Brookfield lose out, and when our workers suffer, our economy suffers.

A December 2012 report by the Peterson Institute—a conservative think tank—found that currency manipulation by foreign governments costs the government between—quite a range—1 million and 5 million jobs, increasing

the U.S. trade deficit by \$200 to \$500 billion a year. These are manufacturing jobs that are about export or competing with imports. They are almost always pretty good-paying jobs.

In 2012 our trade deficit with China broke \$300 billion for the first time, and then in 2013 for the second time it broke \$300 billion.

An Economic Policy Institute report notes that “addressing currency manipulation is the single most important policy change for U.S. workers.” EPI argues that up to 5.8 million American jobs—40 percent of them in manufacturing—would be created if currency manipulation were eliminated by next year. It would reduce the goods deficit by at least \$200 billion. For my home State of Ohio, EPI found that eliminating global currency manipulation by next year would create 254,000 jobs—up to 75,900 in manufacturing; reduce Ohio’s unemployment rate by nearly 3 percentage points; increase Ohio’s GDP by up to \$17.4 billion; and improve the fiscal position of Ohio’s State and local governments altogether by up to \$3.7 billion. That is only Ohio. It doesn’t count Connecticut; it doesn’t count Arizona; it doesn’t count the other 47 States. That is why we are urging the administration to be more aggressive and level the playing field for American workers and businesses.

We should pass my bipartisan legislation with Senators SESSIONS, GRAHAM, STABENOW, HAGAN, and others, which would treat currency manipulation as an unfair trade subsidy and require the Commerce Department to investigate currency manipulation.

It is also why we must urge China to comply with the World Trade Organization commitments and fully and faithfully implement all the WTO rulings against it.

The U.S. Trade Representative’s report paints a sobering picture of the Chinese state’s efforts to intervene in the economy and unfairly help China’s businesses despite its WTO commitments that it wouldn’t do that. China still has not agreed to the procurement agreement from WTO. By not doing so, our businesses miss out on the opportunity to compete for potentially \$100 billion a year in contracts. In other words, China won’t let us sell into their country in many cases because they don’t follow the WTO procurement agreement.

Another issue noted by the USTR is China’s imposition of retaliatory duties against countries bringing WTO cases against it. One case involving grain-oriented electrical steel—and I was speaking to an executive at AK Steel, David Horn, an executive at AK Steel in southwest Ohio—China not only lost in a WTO challenge but now appears to not comply with the ruling. The continued imposition of these duties even after WTO ruled against it has caused significant harm to companies such as AK Steel, as I mentioned, which is based in West Chester, OH.

The issue of retaliation figured prominently in the latest cyber espio-

nage cases brought by the Department of Justice. Several American companies and the steelworkers union that were targeted were taking part in trade cases to challenge China’s unfair trade practices.

China tries to intimidate our companies and they try to intimidate the U.S. Government from holding them accountable to international and U.S. laws. Living up to their trade obligations and promoting the rule of law in China not only benefits American companies, American workers, and American local communities, it also benefits the Chinese people.

There are already examples of Chinese companies willing to play by the rules. I applaud the announcement that Fuyao Glass Industry Group, a Chinese producer of auto safety items, has finalized its agreement to buy the former General Motors plant in Moraine, OH, a Dayton suburb. It is an example of how fair trade and foreign direct investment going both ways can benefit the Chinese, a Chinese company, and create 800 new jobs in Ohio. But to truly have a fair trading relationship, there must be a level playing field. That means playing by international rules.

This brings me to my final point. If China continues to manipulate its currency, cheating American workers, cheating American businesses, refuses to abide by WTO rules, is now accused of stealing trade secrets from American companies and unions, why in the world would this Senate even consider and why would the President consider entering into a bilateral investment treaty with China? Have we not learned?

In 1999, the year 2000, we passed permanent normal trade relations with China. Many of these issues were aired then. China said they would follow the rule of law. China said they would do it right. China hasn’t followed the rule of law. China hasn’t done it right. China hasn’t played fair. So we are considering entering into a bilateral investment treaty with China? I don’t think so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 394

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 88, S. 394, the Metal Theft Prevention Act; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, the theft of valuable metal is a serious crime, one that can damage valuable infrastructure—sometimes government infrastructure—and it can cause serious harm to businesses and to the owners of the infrastructure at issue. For this reason,

many States, including my own State of Utah, have enacted measures that deter such criminal activity and punish harshly those who engage in this type of criminal activity. These measures are generally appropriate, but where the Federal Government enacts legislation creating criminal penalties, we as lawmakers must be careful to respect the Constitution’s enumerated powers and the constitutionally ordained structure of federalism.

I have heard concerns expressed regarding people who steal valuable metal and cross State lines to sell stolen metal. While I would support Federal legislation addressed to such truly interstate, unavoidably national circumstances, I cannot support legislation that more broadly regulates intrastate conduct.

Because this bill exceeds Congress’s power under the commerce clause and imposes a Federal regulatory scheme in an area of the law the Constitution properly reserves to the States, I must object to the Senate passing it by unanimous consent.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I appreciate hearing Senator LEE’s objection. I do believe this is an issue that has been delayed for too long. The bill passed the Judiciary Committee by voice vote last June. Yet businesses, communities, and individuals continue to be victimized.

This is a bipartisan bill. This is legislation that has been introduced with Senator GRAHAM of South Carolina, with Senator HOEVEN of North Dakota—two Republicans—as well as Senator SCHUMER and Senator COONS. As I noted, it passed the Judiciary Committee. Yet we still have objections from the other side—people who are holding up this bill. At the same time, metal theft continues to rise across the country.

This bill does not create the kind of burdens my friend mentioned. This bill is very narrow. The only crime it creates for a Federal crime is a crime of theft of critical infrastructure—critical infrastructure, something that could threaten the national security—and this is not a far reach, given we have seen people stealing copper pipes, given we have seen houses blow up. So it is not a far reach at all.

Secondly, what does this bill do? It leaves it to States to decide what metal theft laws they want. In the end, it does not preempt those laws. If States have laws that are on point, if they have laws relating to metal theft that create some kind of a requirement that not everything can be paid for by cash so law enforcement can actually track this, then we have a situation where that State law would govern.

It is not an overly burdensome law. In fact, many States are adopting these kinds of laws. Our problem is there are some States that refuse to adopt these kinds of laws. So people are stealing

metal from places such as Minnesota and bringing it to those States—to scrap metal dealerships that are accepting that metal and that don't have to report any kind of information to the police and don't have to have any recordkeeping.

We have a national problem. If you don't believe me, listen to this story. Just last week, in my home State, metal thieves robbed dozens of veterans' graves—veterans' graves as we are approaching Memorial Day. What did they do? They took the brass rods that hold their symbol of service.

People want to tell me this isn't a problem? People are stealing stars on veterans' graves and they are stealing the brass rods that hold their symbols of service. Just when families are gathered for Memorial Day, we have metal thieves wreaking havoc because they can go to some scrap metal dealer that isn't following the law and sell it and no one is going to keep track of who they are.

This is a crime. This is a crime, and it is not the first time. On Memorial Day in 2012, thieves stole more than 200 Bronze Star markers from veterans' graves in Isanti County, MN.

So I ask my colleagues who are holding up the bill how they explain defending this kind of practice and allowing it to continue, when this metal is being taken because it is valuable and it can be brought to scrap metal dealers that aren't following the law.

Metal thieves have become infamous for shameless acts such as this. These thieves will stop at nothing to get this high-priced metal and make a quick buck. Last month thieves stole the aluminum wheelchair ramp from the front steps of a man's house in Washington, stranding the man inside.

Enough is enough. Are our friends going to be listening to some scrap metal dealers when most of them follow the law, but clearly some don't want to follow the law; is that what we are listening to in this Chamber? Are we going to listen to the veterans of this country? Are we going to listen to the police groups?

By the way, this bill has been endorsed by the Major Cities Chiefs of Police, the Fraternal Order of Police, and the Major County Sheriffs' Association. So I ask, are we going to listen to those groups or are we going to listen to the scrap metal lobby?

In Minneapolis, thieves have targeted the city's oldest continuously used church. First, they stole the copper downspouts. Then they came back to steal two air-conditioners and gut the copper supply lines to the kitchen freezers. Before the church even had time to replace the stolen air-conditioners, the thieves came back a third time to steal a third air-conditioner and gut the newly replaced copper lines. Replacing the stolen items and installing security fixtures has cost the parish thousands of dollars that could have otherwise been spent on the good work of the church.

These thefts have cost the parish more than money, it has also cost a tradition. This church has been serving French meat pies since the late 1800s, but this year they had to cancel it because of the thieves.

Last winter at a recreation center in St. Paul, MN, thieves stole \$20,000 worth of pipe from the outdoor ice rink, causing the center to close until local businesses donated labor and materials to make the repairs—\$20,000 worth of pipe. The problem is the replacement is much more than \$20,000. It was hundreds of thousands of dollars because they have to repair the whole ice rink.

In Rochester, MN, I met with local businesses that have been robbed by metal thieves—one local business 12 times in just the past 2 years and has suffered more than \$150,000 in losses, similar to the story Senator HOEVEN and I heard when we met with electric companies in Fargo and in Moorhead. During one of the robberies in Rochester, thieves even stole a truck with the company logo on it and then used the truck to rob other construction sites without raising suspicion.

Across the country, copper thieves have targeted construction sites, power and phone lines, retail stores and vacant houses. They have caused explosions in vacant buildings by stealing metal from gas lines, and they have caused blackouts by stealing copper wiring from street lights and electrical substations. Do you know why? Because they have a willing buyer. They have people who are willing to buy their stuff and will not even take the care of keeping records and taking checks so law enforcement can later investigate who they are.

These next examples show how dangerous metal thefts can be. Last October four people were injured in an explosion at a University of California-Berkeley electrical station. Officials blamed it on copper theft that occurred 2 hours before the explosion. The copper is stolen, the pipes don't work, the workers turn it on, and there is an explosion and four people injured.

Georgia Power was having a huge problem with thieves targeting a substation that feeds the entire Atlanta airport—one of the busiest airports in the world, the Delta hub. The airport was getting hit two to three times a week and surveillance didn't lead to any arrests.

This is a crime that knows no borders, no boundaries. It happens in cities, it happens in suburbs, and it happens certainly in rural areas. Depending on the case, it threatens public safety, weakens our infrastructure, and undermines our businesses.

The impact is staggering. In one study, the U.S. Department of Energy found the total cost to industries affected by copper theft would exceed over \$900 million every single year—\$900 million every single year. Between 2010 and 2012 the National Insurance Crime Bureau identified nearly 34,000

insurance claims related to metal theft. To put that number in perspective, it marked a 36-percent increase from the 25,000 claims reported between 2009 to 2011. That 25,000 number was more than an 80-percent increase from the previous reporting period.

Listen to who is supporting this bill, and then I ask my colleague: Are you going to listen to these businesses or are you going to listen to the scrap metal dealers?

Air Conditioning Contractors of America, supporting the bill, American Public Power Association, supporting the bill, American Supply Association, Associated Builders and Contractors, CenturyLink, Edison Electric Institute, Heating, Air-Conditioning & Refrigeration Distributors, the Home Depot, International Council of Shopping Centers, Independent Electrical Contractors, Independent Telephone and Telecommunications Alliance, Lowe's Companies, Inc., National Association of Electrical Distributors, National Association of Home Builders, National Electrical Contractors Association, National Retail Federation, National Rural Electric Cooperative Association, Retail Industry Leaders Association, Sheet Metal and Air Conditioning Contractors' National Association, Inc., United States Telecom Association, Windstream Corporation, XO Communications.

I could go on and on. These are mainstream businesses on Main Street that support this bill because they are getting ripped off.

So what can we do about it? We know why it is happening; that is, because there is a global demand for copper, especially from China and India, and higher prices encourage thieves to steal copper and other metals. We all know the vast majority of scrap metal dealers are legitimate and law-abiding. They do not want to buy stolen property. I have worked extensively with the scrap metal industry in my legislation. We have made some changes they suggested in order to improve the effectiveness of the bill and lessen the burden on scrap metal dealers wherever possible.

Given the scale of the problem, I believe we have to take strong steps to fight these crimes and give law enforcement the tools they need. I worry that at some point we are going to have a major break in our Federal infrastructure and everyone will look back and wonder why they listened to some lobbyist representing the scrap metal dealers instead of all these businesses I mentioned and instead of the police. They will look back to this moment.

Maybe they could at least listen to the beer dealers. They support this bill because their kegs are getting stolen all over the country.

What does our bill do? First of all, it puts modest recordkeeping requirements on the recyclers that buy scrap metal, limiting the value of cash transactions, and requiring sellers in certain

States to prove they actually own the metal.

The bill also makes it a Federal crime to steal metals from critical infrastructure and directs the U.S. Sentencing Commission to review relevant penalties.

Our intention is not to preempt State laws, so if a State already has laws on the books regarding metal theft, they would still apply and the Federal law would not.

These criminals work across State lines—we know that—and they take advantage of States without this type of law. This bill is intended to fill the gap in States that don't have these protections. My people are getting ripped off in Minnesota because some States don't have laws. This is a Federal crime, and it is a Federal problem.

The shameless—shameless—robberies of veterans' graves make clear we can't just let this go anymore. It is time to pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### earmarks

Mr. FLAKE. Mr. President, there has been a great deal of talk lately about earmarks. Some Members are even talking about bringing them back.

I grew up earmarking. I grew up on a ranch, where we earmarked cattle. That is where earmarking gets its name. I didn't think much of the practice then. We already had a brand on the critter. An earmark seemed to be redundant. After a while, we didn't do it any more.

Then I came to Congress—first in the House and now in the Senate—and I had hoped not to be earmarking any more. But when I got to the House I found out the practice was not just prolific but rampant, so I come here today, after hearing some people want to bring the practice back—after we had the moratorium placed a couple years ago—and urge caution. Let me explain a few reasons why.

One reason we lamented the absence of earmarks was the saying: Earmarks are the glue that helps legislation get passed.

I would say it is a little more accurate to say: Earmarks usually represent the lard that allows earmarks to squeeze through the door and get through to the President's desk.

Senator TOM COBURN has spoken often about earmarks. I think he at one point said the best statement ever made about earmarks: They are the gateway drug to spending addiction.

Earmarks are usually small items, but they lead to massive spending overall. They leverage greater spending. Once you get an earmark in a bill, you usually vote for that bill no matter how big it becomes. We had years and years of that, and we shouldn't return to it.

But now earmark fans have a new argument—spending oversight. They say we can provide better oversight when we earmark; we will keep better track of that spending.

They argue that Congress is derelict in its article 1 constitutional responsibilities, the power-of-the-purse argument: By not allowing earmarks, we are somehow derelict in our duty. That is an interesting argument which we ought to explore for a minute.

The same people who will defend earmarking as a constitutional right and responsibility will also note: Don't worry, it is only 1 percent or less than 1 percent of all Federal spending.

But think about that for a minute. If it is our constitutional responsibility, why would we stop at 1 percent? That is not a valid argument at all. If it is constitutional, for our constitutional responsibility, shouldn't more than 1 percent be earmarked?

When we look at when earmarks were here, they were never evenly spaced. Every Member of Congress in the House and the Senate has the same constitutional right, I would assume. But with earmarks, committee chairs or those on the appropriate committees get the lion's share of the earmarks when rank-and-file members get far fewer. So the constitutional argument is specious at best.

I do share a concern that Congress has ceded to agency bureaucrats and administration officials much of our discretion over spending decisions. The culprit is not a lack of earmarks but the lack of oversight opportunities. The problem is we haven't gone through regular order for a long time.

Right here in the Senate is the perfect example. We have only had nine votes on Republican amendments in this Senate Chamber since July. Nine votes. This is the most deliberative body in the world. The hallmark of this body is an open amendment process, open debate—unlimited debate. Yet we have only had nine Republican amendments rolled in the Senate Chamber since last July. That is no way to provide oversight. We have to get back to regular order if we want to have oversight.

We have a pretty dismal record lately on appropriations bills. We have become addicted to continuing resolutions, so-called CRs.

According to the Congressional Research Service, between fiscal year 1977 and fiscal year 2014, in all that 30-year period there were only 4 years where all appropriations bills were enacted on time, and in only one other year were more than half of them completed on time. The last year Congress actually moved through all the appropriations bills and did it on time was 1997. That is the problem we are having with oversight: When we don't authorize and pass appropriations bills one by one, we lose the ability to conduct oversight over the Federal agencies and over Federal spending in general. Since then, there has been an average of six CRs per year. This year will be no different.

I will consider some of the arguments.

We are often told this is a way we can have a check on the agencies. But

what we have seen in the past is that when we earmark, the bulk of the time spent by the Appropriations Committee is not spent in doing oversight but is spent in doling out earmarks.

The last year we had earmarks, 2009, there were 9,000 earmarks in 1 Omnibus appropriations bill. What was the Appropriations Committee doing for months prior to that? Most of their time and staff's time—time that should have been spent on the other 99 percent of Federal spending—was spent securing that 1 percent of Federal spending that constituted earmarks for the Members. So we are not exercising oversight with earmarks. We are abdicating our responsibility and spending far too much time on these earmarks.

There are 43 Members of the Senate who are in their first 6 years in this body, myself included. I happened to have spent some time in the House, so I have some perspective there. For those who haven't seen the appropriations process with earmarks, I think it is useful to take a little walk down memory lane and see what it was like in years past.

Jack Abramoff, who spent some time in prison for working the appropriations process pretty well, called the Appropriations Committee the earmark favor factory. That I don't think has been seriously refuted by anyone. That is what the Appropriations Committees became during that time—earmark favor factories.

It is worth remembering some of the earmarks that finally galvanized the country against them: the Bridge to Nowhere; the indoor rainforest in Iowa. We could go on and on. I went to the House floor myself several hundred times over the period of a couple of years to challenge these individual spending projects.

In 2008, there was a lobbying firm founded by a former Appropriations Committee staffer that specialized in getting particularly defense earmarks from the Appropriations Committee. The FBI finally got wind of some of this and started to investigate. Politico reported that sources within the FBI indicated they were "conducting research on earmarks and campaign contributions." While they did so, this investigation commenced and within weeks the firm imploded.

According to analysis by Taxpayers for Common Sense, clients of the firm received at least \$299 million in earmarks. The firm or individuals from the firm made campaign contributions of more than \$3 million to nearly 300 elected officials.

ABC News said at the time of the firm's operation: Millions out to lawmakers, hundreds of millions back in the form of earmarks for clients, have made it for many observers the poster child for tacit pay-to-play politics.

I don't think we want to go back to that time. News reports every day were looking at the link between earmarks and campaign contributions. There was a smack of corruption there.



As I said, as soon as the FBI turned its attention to this firm doing a lot of this earmarking, it imploded almost overnight and went away. There was great public distrust in the process, and well there should have been.

At that time I remember going to the House floor and offering over a series of weeks nine separate privileged resolutions asking for the Ethics Committee to look at that relationship between campaign contributions and earmarks.

Let me take this time to say this is not a partisan issue. Republicans as well as Democrats over years past participated in this process of earmarking with equal abandon. I am not pointing the finger at either party. There are Members of both parties who seek to return to the practice. But we ought to remember that it wasn't good for this institution. For those who say we ought to go back to it, I don't understand. I would argue it doesn't give us any better oversight because we spend all of our time actually earmarking projects rather than providing oversight over the other 99 percent of government funding.

There is no constitutional requirement. And, frankly, if it is just 1 percent of all spending, how can we argue it is our constitutional responsibility? Why wouldn't we be earmarking more of it? I don't know how the corruption that comes with it is avoided.

Members may say it will be better now than it was before—names will be attached to earmarks. We will have total transparency. The investigation of this firm and others happened when there was transparency, when names were attached to earmarks. That didn't help. The corruption continued. There is no way to police this process adequately when we earmark in that way.

I encourage my colleagues, when we hear Members pining for the old days when we earmarked, remember that Congress went for decades and decades with maybe one here or one there on the margins. It was only in those last couple of decades, the 1990s through about 2010, where we had a rampant corrupt process which I would argue we wouldn't want to return to. So let's think twice before doing that.

WRRDA

Mr. President, I rise today to talk about the Water Resources Reform and Development Act before the Senate for a vote tomorrow. To call WRRDA, as it is called, an expansive bill is an understatement.

This single piece of legislation would impact the Nation's harbors, waterways, shorelines, infrastructure, and of course it will impact the budget for many years to come. Yet all the talk around the bill before us today seems to focus on what has thankfully been left out of its pages—the very topic I have just been discussing—earmarks.

No doubt this reform-minded WRRDA is a step in the right direction, and I applaud my colleagues in the House and in the Senate who have been able to move a bill without earmarks.

It is a real accomplishment, as it should be done.

That said, I do have many concerns about the bill. My chief concern is the process by which infrastructure projects will be authorized. Simply put, just because it doesn't have earmarks doesn't mean it will be a good process for the taxpayers.

Under this legislation, non-Federal interests will have authority to propose projects that meet broadly defined goals to the U.S. Army Corps of Engineers. Once the Corps confirms that these projects have met these broadly defined goals, they will be included in a report to Congress that will serve as a de facto authorization bill for feasibility studies, and then on the conveyor belt to the chief's report and ultimately to construction.

It seems to me that, in order to be effective, this process relies on things that are either entirely unlikely or things we haven't seen before. It relies on State and local governments, for example, on being judicious on what they request from the Corps. Instead, I suspect we will see a virtual tsunami of requests flooding in.

It requires the Corps to be selective in what it ultimately embraces as worthy projects.

This again is an agency that has a reputation of never meeting a project that it didn't want to build.

It will require Members of Congress to ultimately be willing to cross projects off a list to prevent taxpayer dollars from going to them. I think we can all be realistic about the chances of that happening.

During the process of this bill moving forward, I suggested Congress ought to give the process some statutory sidebars to ensure that only worthy projects make it through the stringent cost-benefit ratio requirement and tight criteria for what will and will not be reviewed. In addition to making sure the projects themselves are actually worth constructing, a limited budget means that some prioritization will be necessary. I believe it would be prudent to include statutory priorities. Unfortunately, these were not included.

So my concern remains that this process will put us in the same position we have been in recently: Faced with sizable backlogs of authorized Corps projects for varying worthiness, appropriators will be in the position to pick and choose which of those get funded. Again, just because something isn't earmarked doesn't mean it benefits taxpayers. My hope is that once we see how it plays out, Congress will be willing to adjust this process. As it stands now, while I sincerely congratulate those involved for working diligently to move forward in a manner consistent with the earmark moratorium we have, I will not be supporting the WRRDA conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I have come directly to the Senate floor from a terrific event in the Dirksen building where hundreds of people who are concerned about what the carbon pollution is doing to our atmosphere and oceans gathered to wake up Congress. At 5 o'clock a whole bunch of alarms went off down there, and it was a very exciting, very enthusiastic moment with more than 40 members of Congress showing up to reflect our commitment to getting this done.

One of the things I told people at the rally was that we are close to turning this issue around. The barricade of special interest propaganda that has surrounded Congress is eroding. The denial castle is built on sand and the sand is eroding the foundations for that propaganda, washing out from underneath it, and it will collapse soon. Why do I say that? I say that for several reasons.

The first reason that I believe we are close to a win is that for a long time the big polluters have had a free shot at the atmosphere and oceans. Pollution costs them nothing, and that has created a mindset of entitlement and it created a mindset in which pollution was viewed as of no consequence. Thankfully, the President of the United States has required the EPA to promulgate regulations that will for the first time put a price on the carbon pollution that is emitted from our biggest power plants, and the 50 biggest power plants in America put out more carbon than Korea. They put out more carbon than Canada. So this is a very serious situation. When they are faced with the regulation, I think that is not just going to reduce their emissions, but it is going to change the way they see the problem, and they will be motivated in a new way to think: "Wait a minute; what is the best way to solve this problem?" Once they are no longer free to pollute, once the advantage is taken away, the whole equation changes for them, and I suspect that it will not take long between a polluter change in point of view and a change in point of view on the other side of the aisle in the Senate.

The second reason is the politics on this. We have seen a recent poll that I have talked about on the floor before that points out that Republican voters—self-identified Republican voters—if they are under the age of 35 think that climate denial is—not my words, but in the words in the poll—ignorant, out of touch or crazy.

So if you are a modern political party and you have built your climate change policy on a theory of denial that your own youth cohort, your own young voters under 35 think is ignorant, out of touch, or crazy, that is what I mean by a castle that is built on sand and that is doomed to fall.

The third reason I want to mention here is there is a very significant role for America's corporations because what you get in this body from the so-

called self-appointed corporate mouthpieces—the Wall Street Journal editorial page, the so-called U.S. Chamber of Commerce, the National Association of Manufacturers—what you get from all of them is flat out climate denial, the absolute hard stuff—just complete denial, absolute ignorance and ignoring of the science, totally in the tank with the polluters and the oil and coal industry. What is interesting is that actually doesn't represent the views of America's corporate community, and it doesn't represent them by a lot.

If you look at big brand name American corporations, if you look at Coke and Pepsi, if you look at Apple and Google, if you look at WalMart and Target, if you look at Mars and Nestle, UPS and Federal Express, GM and Ford, look at the entire casualty property insurance industry, look at the bulk of the electric utility industry, look at the entire green energy sector, all of them know that climate change is a real problem, understand the undeniable science of what carbon pollution does to the Earth's atmosphere and to our oceans, and they are doing things about it.

They have sustainability policies. They have climate policies. WalMart has probably done more to get rid of the incandescent bulb than any other force on the planet. They are very strong on this issue. But within those great corporations, it tends to be cabined into their corporate business and sustainability divisions. It hasn't really influenced yet the way they communicate with the public, and it certainly hasn't influenced much their government relations. So there is a huge mismatch between the so-called voice of the corporate community, which is really a polluter-paid propaganda effort coming through the Wall Street Journal, coming through the U.S. Chamber of Commerce, and coming through the National Association of Manufacturers—a huge difference between that and what the underlying leaders of what regular Americans think of as the American corporate community believe. That difference is eventually—like these other forces—going to tear apart the foundation of the denial castle.

We have the chance to make this happen and to make this happen soon, and we need to. We absolutely need to. The Presiding Officer is the senior Senator from Connecticut, a State which borders mine. Connecticut and Rhode Island share a critical factor, which is coastline. If you follow the logic, such logic as exists in the denial machinery, they will take you off into distant and complex computer models of what the temperature is going to be and what the atmosphere is going to be like 30 or 40 years from now. And yes, that is complicated. In that area there is room to sow confusion.

Come to the coast. At the coastline you see sea levels rising because of an immutable law of nature called the law of thermal expansion. The ocean is

warming because it has caught more than 90 percent of the excess heat that the carbon has trapped, and when it warms, it expands.

It is as simple as that. That means when you go to my State to the Newport tide gauge off the Naval Station Newport, you see it is 10 inches higher than it was in the 1930s. That is a big deal because in the 1930s we had the hurricane of 1938. And if you look back at the devastation that hurricane caused to our coastline and you adjust for what 10 additional inches of sea would do and adjust again for stacking up that 10 inches in what a storm surge would do, you end up with a truly apocalyptic vision of the Rhode Island shore, and it is not deniable.

You cannot quarrel about a tide gauge. It is in effect a yardstick nailed to a dock, and the water has gone up 10 inches. To deny that is not just to deny science; it is to deny measurement. I think it is a bit of a stretch for even the most ardent of my denier colleagues to deny measurement. With a thermometer you measure that Narragansett Bay is nearly 4 degrees warmer in mean winter water temperature, and that means a lot for fishermen who used to fish for winter flounder. It doesn't take a very complicated test to determine what the acidity of the ocean is and to measure just the way you would measure the acidity in an aquarium. Our oceans are acidifying at the fastest rate that has been measured in 50 million years.

Remember we are a species that has been on this planet as *Homo sapiens* for a little over 200,000 years. So when you are talking about the steepest rate of acidification in millions of years, that is a dramatic shift in the habitability of our planet. If you want to know who that matters to, go to the west coast, go to the oyster fisheries and look at the wipe-out of young oyster species that took place when acidified ocean water got into the growing oysters and killed them all off. It was simply too acidic for their little shells to survive.

These are the harbingers of things to come. These are the undeniable facts. These are the truths the oceans tell us and our coastlines tell us. For all those reasons, I am confident that we will be at serious business to address climate change a lot sooner than the deniers think. The American public simply is not going to put up with a Congress that has become the prisoner to a barricade of special interest propaganda when they know better. Now the American people do, indeed, know better.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VETERANS HEALTH CARE

Mr. MORAN. Mr. President, there has been a lot of conversation among many of us here in the Senate and last week in the Veterans' Affairs Committee about the circumstances we find ourselves in at the Department of Veterans Affairs and its ability to provide the necessary care and benefits for our military men and women who have become and are becoming veterans.

What we heard last week at the Veterans' Affairs Committee was very disturbing to me because it still appears that the Department of Veterans Affairs has no plan to solve circumstances our veterans find themselves in. Who in this country would we expect to have access in the most timely fashion to the highest quality of care other than those who served our country and who were promised that? A commitment was made to them to make certain that those benefits would be made available. They were told that would be the case.

I went home this weekend. Part of our job is to help people. Every week at the end of the week I get what is called a weekly State report. I and other members of the Senate have staff who spend significant amounts of time trying to solve people's problems with government. We call it case work.

Every week I get a report of people who called my office to tell me something they want me to know, people who contacted me asking for help with a variety of federal agencies. But it struck me as so evident in reading my report from my State staff about the circumstances that our veterans find themselves in. So every week there is a report that I read generally at the end of the week, on the weekend. It is really page after page of things that have happened involving me and my staff and our relationship with Kansans who have a story to tell, who have a concern to raise, who have a request for how I vote. This week's staff report I thought I would highlight for my colleagues. My guess is that the circumstances that Kansan veterans find themselves in is probably no different for me than it is for my other colleagues here in the Senate.

These are just reports from Kansans who called or stopped by my office or wrote to us this week at home looking for help, asking me to help them solve their problem and telling a story about their relationship with the Department of Veterans Affairs.

A veteran from Hutchinson, KS, called to tell us that he filed a claim with the VA. It has been filed for 6 months, and he is still awaiting a decision. Unfortunately, that is all too common. A veteran from Norton, KS, filed a claim for service due to Agent Orange. He has been diagnosed with cancer and is seeking treatment through the VA. He has been informed that it could take 7 to 8 months before the VA will examine his claim, and while his cancer is not curable, it is treatable. And yet he has a 7- to 8-

month waiting period before he can receive benefits.

A veteran from Salina, KS, in the central part of our State indicates that he received double vaccinations before he was deployed to Desert Storm due to the fact that his predeployment package had been lost. He indicates he now suffers from several health conditions as a result and has been informed that the VA denies his benefits.

A veteran from Hutchinson, north of Wichita, indicated he has been fighting with the VA for 7 years on appeal. He has something pending with VA. They provided him an answer that was unsatisfactory, and he is appealing that decision. He claims the VA has continued dragging out his appeal process, and he has difficulty finding updates on his appeal when he contacts the VA. That is an example of someone who called the office and asked for help.

A veteran from Wichita said his doctors discovered a mass on his brain, and it will require an MRI to determine what the mass is. The earliest appointment available for him is on June 30. He, of course, as all of us would be, is concerned over that long wait. This is a veteran who has been diagnosed with a mass on his brain, doesn't know what it is, needs an MRI—exactly what a doctor would order to get additional diagnostic information—and cannot get the MRI until June 30.

A veteran from Junction City—which is a community that is adjacent to Fort Riley where a significant number of veterans and military retirees reside—indicates that he is living in a nursing home. He is 100-percent service connected with a disability and the VA is currently paying for his nursing home services. He has recently been informed that his physical therapy will no longer be covered by the VA and they are discontinuing payment but offer no explanation as to why. He filed an appeal late last year and has not received a response or status update from the VA since that request.

A veteran from Lawrence has had an appeal pending with the VA for over 1½ years and wants our help because he has received no communication from the VA in more than a year.

A veteran from Overland Park, KS—a suburb of Kansas City—is the primary caregiver for his wife who suffers from Alzheimer's. He has had tremendous difficulty in working with the VA to schedule appointments when he can be away from her to receive his treatments from the VA.

A daughter of a veteran from Wichita who passed away in the Wichita VA is concerned about the events that took place while he was in the care of the VA.

A veteran who lives north of Bird City, KS, is a category 1 disabled marine veteran due to a service-connected disability. He indicates that he has had two heart attacks and is now paying for stress tests and his own medical bills out of pocket because the VA has denied him fee basis. What that means

is if you are a veteran in Bird City, KS, which is the very northwest corner of our State, access to a VA hospital is a long way away, and that fee basis allows the veteran to receive care and treatment from a doctor and hospital closer to their hometown or neighborhood.

My point is that the people who are most deserving of care and attention are not receiving the care and attention they need. The Department of Veterans Affairs is supposed to provide the services and benefits earned and promised to those veterans. This is not anything that is out of the ordinary.

This report is something I read every week, and the reports that I convey to my colleagues here on the floor of the Senate are not unusual. I suppose what is unusual is that the number is increasing. What used to be a shorter list of problems with the VA has grown over time to be a longer and longer list.

I have been asking for a plan by the Department of Veterans Affairs from its top leadership, Secretary Shinseki, to explain to me, the Senate, the American people, and veterans what the Department of Veterans Affairs is going to do to meet the needs of these and other veterans across our country.

As I have indicated on the Senate floor before on this topic, if we are incapable of caring for our veterans today, how are we going to be capable of taking care of veterans in the future as more and more military men and women return from our wars in Iraq and Afghanistan? The physical and mental circumstances those veterans will find themselves in will be even more difficult and challenging.

We have an aging veteran population from World War II and now Vietnam veterans will most likely be needing more care and treatment from the Department of Veterans Affairs. What we need is the leadership that is necessary to meet the needs of these veterans and a commitment that the status quo is unacceptable and that the bureaucratic culture at the Department of Veterans Affairs is not something that is going to remain. There is going to be a concerted effort to make certain that the Department meets the needs of those who served and sacrificed for our country.

Again, who, other than those who served our country, would we expect to be at the top of the list to receive the most timely and highest quality of care than those who served our Nation? It seems to me that as these issues are raised, we have a Department of Veterans Affairs that is doing damage control. What we need is a Department of Veterans Affairs that reduces the damage being done to the veterans—the men and women who served our country—in Kansas and across our Nation.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BROWN V. BOARD OF EDUCATION ANNIVERSARY

Mr. LEAHY. Mr. President, last Saturday we celebrated the 60th Anniversary of Brown v. Board of Education. In that unanimous opinion, the U.S. Supreme Court held that the State-sanctioned segregation of public schools was a violation of the Fourteenth Amendment and therefore unconstitutional. The Court "concluded that," in the field of public education, the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal." This landmark decision is rightly celebrated every year.

The case of Hernandez v. State of Texas, however, decided by the Supreme Court just 2 weeks before the Brown decision, is an often overlooked and yet momentous advancement of civil rights in our country. In that case, the Supreme Court held that the Fourteenth Amendment protects those beyond the racial classes of white or black, and extends to all racial groups in the United States. Fortunately, we are only left to imagine a world without the Hernandez decision, a world that would have blocked Hispanics and other racial groups from the promise of equality made in the Constitution.

Taken together, the Brown and Hernandez decisions stand as landmarks of progress in our country. We have come far in the march towards equality; yet, we must recognize that we can and must achieve more. Six decades after the Brown and Hernandez decisions, our country must continue to confront social, economic, and racial inequalities throughout this country.

Racial inequality is not an issue that our society can just wish away in the 21st century. It still exists in our criminal justice system, educational, and voting systems, and in our housing and lending markets. As chairman of the Senate Judiciary Committee, and as a member of the Senate for nearly 40 years, I have fought to uphold the promise of equality in our fundamental charter.

The anniversary of these civil rights cases is a moment to reflect on our past, and to evaluate and commit to the next steps that we need to take as we strive to build a more perfect Union. As many families across the Nation celebrate the graduation of hard-

working students who have earned their degrees, it is important to also celebrate all who helped in the journey traveled. As former Supreme Court Justice Thurgood Marshall once said:

None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody—a parent, a teacher, an Ivy League crony or a few nuns—bent down and helped us pick up our boots.

Let us rejoice as a nation that in 60 years we have made great strides. We must not forget that the promise of our founding charter is aspirational, and we are all made better by the fight to bring greater liberty and equality to the Nation.

#### VOTE EXPLANATION

Mrs. SHAHEEN. Mr. President, I was necessarily absent from the Senate earlier today. Along with Senator AYOTTE, I was in New Hampshire this morning and afternoon attending memorial services for Officer Steve Arkell of the Brentwood Police Department, who was tragically killed in the line of duty on May 14, 2014.

I missed rollcall votes in relation to the confirmation of Stanley Fischer to be a Member of the Board of Governors of the Federal Reserve System, and the motion to invoke cloture on the nomination of David Barron to be U.S. circuit judge for the First Circuit.

I support both the Fischer and Barron nominations, and would have voted yes if I were present during these votes.

#### TRIBUTE TO DR. JERRY BEHRENS

Mr. BARRASSO. Mr. President, on June 6, 2014, the Wyoming Medical Center in Casper will dedicate its new Orthopedic, Spine and Surgery Center to an American patriot, Jerry Behrens, M.D.

For years, patients in Wyoming have known Jerry to be a compassionate, thorough, and trusted surgeon. He has cared for thousands of patients in Casper and around the State. What they may not know is that his character was shaped by the courage and determination he displayed half a world away in Vietnam.

Dr. Behrens always knew he wanted to help others. For that reason, he completed his medical degree and internship at the University of Wisconsin-Madison. Although he was excited about beginning a family and a new career, he felt a calling to serve a higher cause. It was this desire which pushed him to volunteer as a medical doctor in the U.S. Navy during the Vietnam Conflict.

Attached to the 3rd Battalion, 9th Marine Regiment, Dr. Behrens performed surgery in very dangerous and difficult conditions. Jerry was assigned to Delta Med, a forward casualty receiving facility in Dong Ha. Soldiers with fragment wounds, lost limbs, and severe blood loss were triaged, treated, and transported to hospital ships for

additional care. It was not unusual for incoming rounds of fire to interrupt surgeries. Yet amidst the chaos and confusion, Jerry kept a level head and performed his duties with precision and professionalism.

Jerry later became the battalion surgeon for the Rockpile, Ca Lu and Khe Sanh Combat Bases. During this time, his courage was tested when his convoy was ambushed as they were making their way to Ca Lu. Of the 200 men in his unit, 70 were wounded, and 18 were killed. Jerry stabilized the injured while waiting for reinforcements. It was a harrowing experience, but it would not be the last time he risked his life to serve his battalion. Just a month later, his bunker at the Rockpile took a direct hit. Though he was uninjured, ten of his corpsmen were lost. Jerry was ultimately awarded the Bronze Star Medal with a V for Valor for his bravery and devotion to duty.

Upon the completion of his distinguished service to our Nation, Jerry returned home and completed his orthopedic residency at the University of Wisconsin-Madison. It was Wyoming's great fortune that Jerry decided to move his family to Casper to begin his orthopedic practice. I was lucky enough to be invited to join Jerry in his growing practice in Casper, WY, where his family and career thrived.

In 1991, Jerry's son Michael deployed with the U.S. Marine Corps as part of Operation Desert Storm. Jerry once again showed his patriotism and desire to serve. He contacted Secretary of Defense Dick Cheney and asked to be re-activated so he could provide medical attention to Americans serving overseas. Jerry was commissioned as a lieutenant commander in January 1991, after a 4-day whirlwind of paperwork, physicals, and phone calls. He put his practice aside to once again wear the uniform. He was deployed within 3 weeks to Saudi Arabia and went through the breach with the Marines into Kuwait.

Certainly his experiences, both in Vietnam and Desert Storm, shaped his character—and his career. As a fellow in the American Academy of Orthopedic Surgeons and a board certified physician, he has devoted his life to providing high quality care and service to his patients. With every surgery he performs, he demonstrates integrity and precision. In addition to his contributions to the medical community, Jerry also volunteers his free time to serve as a teacher, mentor, and friend to our servicemen and women. He is actively involved with veterans' organizations around the country and continues to stay in touch with the Marines who served with him in Desert Storm.

Jerry is particularly proud of his work with Semper Fi Odyssey. This is a week-long transition assistance program which helps prepare individuals for life after military service. Participants work in teams and learn valuable skills that help them achieve their per-

sonal and professional goals. Jerry has served as a team leader for Semper Fi Odyssey on eight separate occasions and continues to mentor the former servicemembers he met through this work. Needless to say, Jerry is a positive force within the community and we are fortunate for his remarkable contributions.

After practicing in Casper for 41 years, the community is honoring this patriot by unveiling the Jerry Behrens, M.D. Orthopedic, Spine, and Surgery Center at the Wyoming Medical Center. Hundreds will gather to pay their respects to this accomplished surgeon. At his side will be his wife Mary, his children Kelly, Mike, and Ingrid, and his two grandchildren Erik and Jasper. Bobbi and I will be honored to stand with him on this special occasion. I invite my colleagues to join me in congratulating Dr. Jerry Behrens and thanking him for a life and career devoted to service and the care of others.

#### WORLD WAR II VETERANS VISITS

Mr. MANCHIN. Mr. President, today I am incredibly honored to recognize a group of 30 heroic military veterans who have traveled from southern West Virginia to visit our Nation's capital as part of the fourth Always Free Honor Flight. On the occasion of their visit, in which they will see for the first time the monuments built in their honor, I want to express my utmost gratitude to these special men and women for their extraordinary bravery and patriotism, and for their noble sacrifice to help keep our country free.

I have said this time and time again—West Virginia is one of the most patriotic States in this great Nation. With one of the country's highest per capita rates of military servicemembers and veterans, we are so proud of the many citizens who have served and who are actively serving in the military. The 30 veterans participating in today's Always Free Honor Flight truly embody the Mountain State's history and contributions to the safeguard of our American freedoms.

Our special West Virginians visiting today represent three generations of warriors—5 served in World War II, 9 served in the Korean War, and 16 served in the Vietnam War. They range from 63-90 years of age, and have traveled from all parts of our great State—from New Martinsville to Bluefield, Huntington to Princeton to Beckley, and many places in between. In addition to our Mountain State vets, two veterans from bordering Bland and Tazewell Counties in Virginia have accompanied their West Virginia neighbors on the day-long adventure.

I especially want to recognize our two women veterans who joined today's honor flight, both of whom are the first women to make the Always Free Honor Flight trip. Helen "J" Wheby served in the Korean war as an office worker in the Navy. Vanda Jane Butcher served in the Vietnam war

with the rank of a seaman as a part of an air flight crew in the Navy. Despite the challenges, sacrifices, and hardships they faced while defending this Nation, these women voluntarily stepped forward and put service above self to preserve our freedoms. We cannot thank them enough for their tremendous courage and their sacrifices.

Showing our appreciation to those who have served is something that we should do each and every day, but today is a special day to pay tribute and thank those who have volunteered to put their lives on the line for our freedoms. The memorials our Honor Flight participants will visit today serve as an important reminder to us all that our freedoms and liberties come at a steep cost. However, I know our veterans will find special meaning and potentially long-lost emotions when they tour such touching sites.

The brave West Virginia heroes today have all served this country in a variety of ways, working both at home and abroad. They have engaged in combat all over the world, traveling to the Panama Canal, working on the docks of Saigon, and serving in historic events such as the Cuban Missile Crisis. One of our visiting Vietnam veterans, Stephen Douglas Phillips of New Martinsville, earned not just one, but two Purple Hearts. Another, Gary Curtis Harold of Shady Spring has received both a Purple Heart and a Bronze Star.

But regardless of their rank or duty, each and every one of these veterans answered our Nation's call and has served with incredible pride and valor.

Additionally, I would like to recognize the nine volunteers, or so-called "guardians," who have accompanied the veterans during their trip today. These guardians have selflessly given their time to travel alongside our veterans all the way from Princeton, WV to Washington, DC to share this very special journey with them.

I am also tremendously grateful for all those involved in the Always Free Honor Flight Network, especially the president of the Denver Foundation and owner of Little Buddy Radio in Princeton—Dreama Denver. Along with coordinator and executive assistant, Dreama launched the Always Free Honor Flight and has planned four trips within a 2-year span for our West Virginia veterans. I commend Dreama, Pam, and all the Denver Foundation staff for their dedication and commitment to West Virginia's large veteran population. They have offered the people in West Virginia just one more way to say thank you' to our veterans for their service and sacrifice.

I am filled with pride every time I meet the patriots who have served our country, and I am so pleased to welcome West Virginia's most courageous veterans, who are all heroes, to Washington, DC. I encourage all of my colleagues to join me in saluting them. They truly inspire us all as we are reminded of their selfless service. It is because of their bravery that all Amer-

icans enjoy the greatest liberties and freedoms in the world.

God bless all our servicemembers and veterans, God bless the great State of West Virginia, and God bless the United States of America.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. CHARLES MONELL

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring Dr. Charles Monell as he retires from the Rancho Mirage Library Advisory Commission after two decades of service and dedication to the library and the community it serves.

Throughout a long and distinguished career in medicine, including as the chief of surgery at the Beverly Glen Hospital in Los Angeles, Dr. Monell also gave generously of his time to a variety of charitable causes, especially those supporting music and education. Being particularly devoted to supporting public libraries, Dr. Monell served on the California State Library Commission for 14 years prior to retiring from medicine in 1992 and becoming a full-time resident of Rancho Mirage, which was working to establish its first public library.

In 1993, Dr. Monell was appointed to the Rancho Mirage Public Library Planning Committee, and led the effort to convert a former bank building into the first library. On January 6, 1996, as chairman of the new Rancho Mirage Public Library Commission, he introduced President Gerald Ford for the ribbon-cutting ceremony and formal opening of the Rancho Mirage Public Library.

The library was up and running, but Dr. Monell did not stop there. In 2003, he secured a gift of \$2 million from the Annenberg Foundation to purchase land for a new and larger Rancho Mirage Public Library, which opened on January 6, 2006—10 years to the day after the first library opening.

Dr. Monell has shared his lifelong love of music with the library and the community. With his personal contributions and fundraising efforts, he helped the library purchase a Steinway concert grand piano and sponsored concert performances by the acclaimed musicians of the Idyllwild Arts Academy. He has also donated his personal Civil War library to the Rancho Mirage Library, and generously made possible a private study room in the library for the community to use.

On May 12, the Library Advisory Commission honored Dr. Monell for his extraordinary devotion to the library and his 18 years of service on the commission. On June 5, Mayor Iris Smotrich will present Dr. Monell with a proclamation from the City of Rancho Mirage in appreciation of his distinguished service.

I am pleased to join them in saluting Dr. Charles Monell for his dedicated

and inspiring service to the community of Rancho Mirage.●

#### JOHNSTOWN FLOOD ANNIVERSARY

• Mr. CASEY. Mr. President, today I wish to recognize the 125th Anniversary of the Johnstown Flood, one of the most unforgettable tragedies in our Nation's history. This anniversary reminds us of the delicacy of human life, the great importance of caring for others, and the true resilience that was demonstrated by those who endured the catastrophe.

At approximately 3:00 p.m. on Friday, May 31, 1889, the South Fork Dam, built to hold back a portion of the Conemaugh River, gave way, releasing 20 million tons of water into the valley below. The wall of water rushed towards the City of Johnstown, 15 miles to the southwest, picking up large quantities of debris and sweeping away whole towns. It finally hit Johnstown just after 4:00 p.m.

The flood event and ensuing typhoid outbreak claimed 10 percent of Johnstown's citizens; 2,209 people lost their lives, including 396 children and 99 whole families, resulting in the largest loss of civilian life in a single day until the September 11, 2001 terrorist attacks.

The tragedy left our Nation and larger global family in shock. The Johnstown Flood was the largest news story of its day and resulted in the single largest international humanitarian fundraising effort to date, with donations contributed from 13 countries. Clara Barton and five Red Cross workers arrived from Washington, DC, on June 5, 1889, making the Johnstown Flood the first major peacetime relief effort for the American Red Cross. Barton stayed until October 24, 1889, supervising the distribution of supplies and helping more than 25,000 people.

The Governor of Pennsylvania called on his constituents to rebuild and reopen the rail lines that had been wiped away. Within 14 days, 20 miles of railway reopened ensuring access to the lifesaving supplies arriving from the surrounding region.

During this anniversary we can recall these examples as just a few of countless stories of heroism. The survivors lived on to rebuild Johnstown. More importantly, they established a spirit of endurance that would live on in future generations.

The flood is a part of the history of Johnstown that will not be forgotten. The people of Johnstown and the Conemaugh Valley exhibit an indescribable human strength that rises above devastation and exhibits a true example of hope and determination during difficult times.●

#### CONGRATULATING CREEKVIEW HIGH SCHOOL

• Mr. CHAMBLISS. Mr. President, today I congratulate the Creekview High School rocketry team from Canton, GA who outperformed hundreds of

their peers from across the country on Saturday, May 10, 2014, to earn 1st place at the 12th annual Team America Rocketry Challenge. Champions Amanda Semler, 18; Andrew White, 16; Nick Dimos, 16; Austin Bralick, 16; and Bailey Robertson, 15, bested more than 700 other teams representing 48 states, the District of Columbia and the U.S. Virgin Islands to earn the national title. These students will now go on to represent the United States in London at the Farnborough International Airshow.

Team America Rocketry Challenge, TARC, is the world's largest student rocket contest and the aerospace and defense industry's flagship program designed to encourage students to pursue study and careers in science, technology, engineering and math, STEM. Sponsored by the Aerospace Industries Association, the National Association of Rocketry and more than 20 industry partners, TARC provides middle and high school students the opportunity to design, build and launch model rockets in a competition among more than 5,000 students nationwide.

I cannot express how proud I am of these students whose achievement represents tremendous dedication and unwavering commitment. It is equally encouraging to see young people with such a strong commitment to STEM education and fields of study. I wish these Creekview High School students and teachers the best as they go on to represent our Nation in London.●

#### POWESHIEK COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Poweshiek County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has

worked with me to secure funding in Poweshiek County worth over \$1.2 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$11.1 million to the local economy.

Of course my favorite memories of working together have to include the community's tremendous success with using farm bill funds for important local projects such as remodeling and expanding St. Francis Manor, which received a direct loan of \$1 million from the U.S. Department of Agriculture Community Facilities Program.

Among the highlights:

**School grants:** Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Poweshiek County has received \$556,624 in Harkin grants. Similarly, schools in Poweshiek County have received funds that I designated for Iowa Star Schools for technology totaling \$151,108.

**Agricultural and rural development:** Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Poweshiek County has received more than \$3.2 million from a variety of farm bill programs.

**Keeping Iowa communities safe:** I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Poweshiek County's fire departments have received over \$628,329 for firefighter safety and operations equipment.

**Wellness and health care:** Improving the health and wellness of all Ameri-

cans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Poweshiek County has recognized this important issue by securing more than \$360,000 for community wellness activities.

**Disability Rights:** Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Poweshiek County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Poweshiek County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Poweshiek County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### WAPELLO COUNTY, IOWA

● Mr. HARKIN. Mr. President, the strength of my State of Iowa lies in its



vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Wapello County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Wapello County worth over \$10.5 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than \$43.5 million to the local economy.

Of course my favorite memories of working together have to include the establishment and funding of both a Job Corps center and a community health center, working with the Ottumwa Regional Health Center on renovations and equipment, working with Indian Hills Community College on biotechnology and other programs, expanding the Des Moines to Burlington highway, and working with local law enforcement to combat methamphetamine and other dangerous drugs in the community.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Southeast Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Wapello County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Wapello County, I have fought for funding to separate the combined sewers which would overflow during rain events. Over the years, I have appro-

priated over \$4.3 million to this project, which reduces the cost of these improvements to residents and businesses, helping to create jobs and expand economic opportunities. I also worked with leaders throughout the region to build a four lane highway from Des Moines to Burlington. I was pleased to have been able to acquire nearly \$52 million worth of Congressionally directed funding for various segments of this project. Thanks to our years of partnership, this highway will result in a more jobs and a better economy for the entire area.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This is not just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Ottumwa to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Wapello County has earned \$120,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than \$132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Wapello County has received \$3,301,391 in Harkin grants. Similarly, schools in Wapello County have received funds that I designated for Iowa Star Schools for technology totaling \$57,315.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it

means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 provided critical support to Iowa communities impacted by the devastating floods of 2008. Wapello County has received over \$12.2 million to remediate and prevent widespread destruction from natural disasters.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Wapello County has received more than \$9.9 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Wapello County's fire departments have received over \$1.4 million for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Wapello County has recognized this important issue by securing over \$2 million for the community health center and for community wellness programs.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with

disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Wapello County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Wapello County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Wapello County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

#### MILITARY ACADEMY APPOINTMENTS

● Mr. LEE. Mr. President, this fall, seven remarkable Utahns will enter three of our prestigious military academies, and I would like to take this opportunity to officially congratulate them and to recognize their individual achievements.

Dexter Chayton Clark will be attending the U.S. Naval Academy. A graduate of Brighton High School, Dexter has maintained a 4.0 GPA, he is an AP Scholar with Honor, a member of the National Honor Society, a National Academic League Champion, a gifted swimmer, and an Eagle Scout.

Jillian Lemay Combs will be attending the U.S. Air Force Academy. She graduated from the Waterford School with academic high honors; she is an accomplished violist and a member of the National Charities League with over 400 hours of service. She was the captain of Waterford's debate team as well as the swimming, diving, and water polo teams, and she is a Girl Scout Gold Award recipient.

Amy Noelle Johnston will be attending the U.S. Military Academy at West Point. A graduate from Brighton High School and a member of the National Honor Society, Amy was captain of the Brighton lacrosse and tennis teams. She served her community with the Red Cross and also performed volunteer

service on the Northern Cheyenne and Coeur d'Alene Reservations.

Carson Eugene Nuttall will be returning to study at the U.S. Military Academy at West Point. Carson displayed commitment to his faith by resigning from West Point to serve a full-time mission for the Church of Jesus Christ of Latter-day Saints for 2 years in Chile. He has been recognized consistently as a natural leader and one who is committed to honor and service.

Zerek Douglas Olson will be attending the U.S. Naval Academy. A graduate from Layton High School and a JROTC Captain, Zerek was captain of his football, wrestling, and track & field teams. He is a member of the National Honor Society, attended Boy's State, and served our veterans at the VA hospital and VA homes in Utah.

Seth Lawrence White will be attending the U.S. Naval Academy. A graduate of Sky View High School, Seth served as one of its student body officers, the captain of both the debate team and the football team, and a Dwight D. Eisenhower People to People European Representative. Seth also helped in organizing the Don't Drive Stupid program to discourage drunk and distracted driving.

Keven Shin Yeh will be attending the U.S. Naval Academy. Keven graduated from Brighton High School with a 4.0 GPA. He is a member of the Governor's Honors Academy and the captain of both Brighton's cross country and track & field teams. He has given over 100 hours of dedicated service to our veterans at the VA hospital in Salt Lake City.

It appears that the future of our military is in good hands. I challenge these praiseworthy appointees to continue the tradition of honor, sacrifice, and courage that has been so exceptionally demonstrated by so many throughout the great history of our military. I should like to close with a quote from Lincoln, which I hope we will all remember as we strive to do what is right for our country. Of the brave soldiers who were then fighting to preserve the Union, he wrote:

Honor to the Soldier, and Sailor everywhere, who bravely bears his country's cause. Honor also to the citizen who cares for his brother in the field, and serves, as he best can, the same cause—honor to him, only less than to him, who braves, for the common good, the storms of heaven and the storms of battle.●

#### REMEMBERING SAMUEL SMITH, SR.

● Mr. UDALL of New Mexico. Mr. President, on April 14, 2014, our Nation lost a great hero, Mr. Samuel "Jesse" Smith, Sr. Mr. Smith was one of the few remaining Navajo Code Talkers, who defended our country with such ingenuity and valor during World War II.

As the number of these legendary warriors decreases year by year, our respect and gratitude for their remarkable service only increases with time.

My State of New Mexico is proud to be the home of many of these extraordinary men, and we mourn their passing.

Samuel Smith was a student at the Albuquerque Indian School on December 7, 1941, when news arrived of the Japanese bombing of Pearl Harbor. He and two of his fellow students knew, very quickly, what they must do. They resolved, without hesitation, and despite their youth, to defend their country. All three joined the U.S. Marine Corps, determined to go wherever they were needed. Samuel Smith dreamed of being a pilot, but fate would have other plans. He would never fly a plane, but he would serve with particular distinction as a Navajo Code Talker.

Mr. Smith possessed the determination, intelligence, and language proficiency that was essential to the Code Talkers. He was assigned to the 4th Marine Division and was responsible for transmitting messages for Gen. Clifton Cates, the commander of the Marine landings in Saipan and Tinian.

In the course of his military service, Samuel Smith fought at the battle of Roi-Namur, the battles of Saipan and Tinian to retake the Marianas Islands, and the battle of Iwo Jima. He and his fellow Code Talkers turned their language into an unbreakable code. They used the language of the Navajo people as a weapon to defend our freedoms. In battle after battle, in ferocious combat, that code helped secure Allied victory. Their courage and patriotism is all the more remarkable in that they fought so bravely for freedom in a world that did not always accord freedom to them.

It would be many years after World War II before the story of the Navajo Code Talkers, and the pivotal role they played, could be told. The true purpose of their service was not revealed until over 20 years later. In 2001, Congress honored Samuel Smith and his fellow Code Talkers with Congressional Gold Medals. This recognition and honor was richly deserved. The simple words on their medals told the heroic story: "The Navajo language was used to defeat the enemy."

After the war, Mr. Smith returned home. He married Rena Smith, and together they started a family. They moved to the Pueblo of Acoma, where they raised ten children. Later, at Fort Defiance Navajo Nation, Mr. Smith served as a law enforcement officer and was appointed chief ranger of the Navajo Nation Rangers. He also served as director of Transportation and Water Resources for the Navajo Nation.

Samuel Smith lived a long and eventful life, until the age of 89. He leaves behind more than 150 direct descendants. His life is a testament of service to others, in war and in peacetime. For his family, his community, and his Nation, he set an example of courage and commitment. Those who knew him will long recall his steady presence. As his son Michael said:

We were very fortunate to have one of the wisest and gentlest men in our lives. He

could warm your heart with his smile, let you know you had to straighten up with his gaze, and always had something clever to say. He is our hero. He is our dad.

I extend my sincere sympathy to Mr. Smith's family. He will be deeply missed, and he will be forever remembered by a grateful nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3530. An act to provide justice for the victims of trafficking.

H.R. 3610. An act to stop exploitation through trafficking.

H.R. 4058. An act to prevent and address sex trafficking of youth in foster care.

H.R. 4225. An act to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts.

H.R. 4573. An act to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

#### ENROLLED BILLS SIGNED

At 2:01 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 309. An act to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

H.R. 685. An act to award a Congressional Gold Medal to the American Fighter Aces, collectively, in recognition of their heroic military service and defense of our country's freedom throughout the history of aviation warfare.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

#### ENROLLED BILL SIGNED

At 6:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1209. An act to award a Congressional Gold Medal to the World War II members of the "Doolittle Tokyo Raiders", for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2363. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 21, 2014, she had presented to the President of the United States the following enrolled bill:

S. 309. An act to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5841. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Commercial Groundfish Fishery Management Measures; Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear" (RIN0648-BD37) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5842. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2014; Recreational Management Measures" (RIN0648-BE00) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5843. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XD261) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5844. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Depart-

ment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)" (RIN0694-AF87) received in the Office of the President of the Senate on May 14, 2014; to the Committee on Commerce, Science, and Transportation.

EC-5845. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Resolution, a report relative to the deployment of certain U.S. forces to Chad; to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1036. A bill to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office".

H.R. 1228. A bill to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building".

H.R. 1451. A bill to designate the facility of the United States Postal Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building".

H.R. 2391. A bill to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri as the "Lance Corporal Phillip Vinnedge Post Office".

H.R. 3060. A bill to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the "Sergeant William Moody Post Office Building".

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. William P. Robertson, to be Brigadier General.

Army nomination of Maj. Gen. Anthony G. Crutchfield, to be Lieutenant General.

Army nomination of Maj. Gen. James C. McConville, to be Lieutenant General.

Air Force nomination of Lt. Gen. Gregory A. Biscone, to be Lieutenant General.

Air Force nomination of Col. Kathleen A. Cook, to be Brigadier General.

Air Force nomination of Col. Jeffrey A. Rockwell, to be Major General.

Navy nominations beginning with Captain Brian J. Brakke and ending with Captain Jesse A. Wilson, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2014.

Navy nomination of Capt. Timothy C. Galaudet, to be Rear Admiral (lower half).

Navy nomination of Capt. Steven L. Parode, to be Rear Admiral (lower half).

Navy nomination of Capt. Johnny R. Wolfe, Jr., to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Samuel A. Greaves, to be Lieutenant General.

Air Force nomination of Brig. Gen. Warren D. Berry, to be Major General.

Air Force nomination of Brig. Gen. Jon A. Norman, to be Major General.

Air Force nomination of Col. Roosevelt Allen, Jr., to be Major General.

Air Force nomination of Col. Richard W. Kelly, to be Brigadier General.

Air Force nomination of Maj. Gen. Carlton D. Everhart II, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darryl L. Roberson, to be Lieutenant General.

Air Force nomination of Lt. Gen. Ellen M. Pawlikowski, to be Lieutenant General.

Army nomination of Maj. Gen. Karen E. Dyson, to be Lieutenant General.

Air Force nomination of Brig. Gen. Christopher F. Burne, to be Lieutenant General.

Air Force nomination of Maj. Gen. Marshall B. Webb, to be Lieutenant General.

Army nomination of Lt. Gen. Raymond A. Thomas III, to be Lieutenant General.

Army nomination of Maj. Gen. Stephen G. Fogarty, to be Lieutenant General.

Navy nomination of Rear Adm. Thomas S. Rowden, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) John F. Kirby, to be Rear Admiral.

Marine Corps nomination of Lt. Gen. Jon M. Davis, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Kenneth F. McKenzie, Jr., to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Robert B. Neller, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John A. Toolan, Jr., to be Lieutenant General.

Marine Corps nominations beginning with Col. Patrick J. Hermesmann and ending with Col. Helen G. Pratt, which nominations were received by the Senate and appeared in the Congressional Record on May 1, 2014.

Air Force nomination of Lt. Gen. James M. Holmes, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Scott A. Raber, to be Lieutenant Colonel.

Air Force nomination of Mark D. Levin, to be Major.

Air Force nominations beginning with Jeremy P. Garlick and ending with Derick A. Sager, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Air Force nomination of Tonya Y. White, to be Major.

Air Force nomination of Daniel L. Rosera, to be Major.

Air Force nominations beginning with Jason E. Obrien and ending with Erik D. Rudiger, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Air Force nomination of Robert J. Trainer, to be Major.

Air Force nominations beginning with Kenneth G. Crooks and ending with James D. Tims, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Kim L. Bowen and ending with Daniel K. Waterman, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Victoria M. Aglewilson and ending with Deborah L. Willis, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Heather A. Bodwell and ending with Christian L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Air Force nominations beginning with Erich M. Gauger and ending with Timothy J. Zielicke, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014.

Air Force nominations beginning with Anthony F. Fontenos and ending with Vu T. Nguyen, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014.

Air Force nominations beginning with Peter G. Bailey and ending with Kevin R. Windsor, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014. (minus 2 nominees: Taft Owen Aujero; Jeffery Lynn Richard).

Army nomination of Randolph S. Wardle, to be Colonel.

Army nomination of Stanley F. Zezotarski, to be Colonel.

Army nomination of Eric S. Comette, to be Major.

Army nomination of William D. Swenson, to be Major.

Army nomination of Gregory R. Shepard, to be Major.

Army nominations beginning with David F. Caporicci and ending with Eric G. Wishart, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Army nomination of Philander Pinckney, to be Major.

Army nomination of Elizabeth Joyce, to be Major.

Army nomination of Jasmine T. Daniels, to be Colonel.

Army nominations beginning with Jan S. Sunde and ending with Himanshu Pathak, which nominations were received by the Senate and appeared in the Congressional Record on May 1, 2014.

Army nomination of Joseph L. Craver, to be Colonel.

Army nominations beginning with Maribeth A. Affeldt and ending with R10045, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Army nominations beginning with Miguel Aguilar and ending with Mark A. Zinser, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014. (minus 1 nominee: Kimberly Derouenslaven)

Army nominations beginning with Jeffrey M. Abel and ending with Deborah A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Army nominations beginning with Bobby L. Christine and ending with James K. Massengill, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Army nominations beginning with Ronald W. Burkett II and ending with Brian J. Melton, which nominations were received by the Senate and appeared in the Congressional Record on May 15, 2014.

Marine Corps nominations beginning with William B. Allen IV and ending with James L. Zepko, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2014.

Marine Corps nomination of Richard P. Owens, to be Lieutenant Colonel.

Marine Corps nomination of Robert M. Manning, to be Lieutenant Colonel.

Marine Corps nominations beginning with James P. Edmunds III and ending with Paul B. Webb, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Marine Corps nominations beginning with Leonard F. Anderson IV and ending with Konstantin E. Zoganas, which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2014.

Navy nomination of William A. Garren, to be Captain.

Navy nomination of Leander J. Sackey, to be Commander.

Navy nomination of Christopher M. Davis, to be Lieutenant Commander.

Navy nomination of Charles E. Varsogea, to be Commander.

Navy nomination of Louis J. Lazzara, to be Lieutenant Commander.

Navy nomination of Tara M. McArthur-Milton, to be Captain.

Navy nomination of Todd W. Boehm, to be Captain.

Navy nominations beginning with John I. Actkinson and ending with Justin R. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2014.

Navy nomination of Robert J. Polvino, to be Captain.

Navy nomination of Victor Sorrentino, to be Commander.

Navy nomination of Jeffrey P. Martin, to be Commander.

Navy nomination of Richard D. McCormick, to be Commander.

Navy nominations beginning with David W. Atwood and ending with Anna H. Woodard, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2014.

Navy nomination of William S. Switzer, to be Captain.

Navy nomination of Joshua L. Kever, to be Commander.

Navy nomination of Rustin J. Dozeman, to be Lieutenant Commander.

Navy nomination of Lori L. Cody, to be Lieutenant Commander.

By Mr. WYDEN for the Committee on Finance.

\*Stefan M. Selig, of New York, to be Under Secretary of Commerce for International Trade.

\*Darci L. Vetter, of Nebraska, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

\*Sylvia Mathews Burwell, of West Virginia, to be Secretary of Health and Human Services.

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

\*Steven M. Wellner, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2018.

\*Nanci E. Langley, of Hawaii, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2018.

\*Julia Akins Clark, of Maryland, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 2366. A bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mrs. GILLIBRAND):

S. 2367. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect the people of the United States, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 2368. A bill to establish an online significant event tracker (SET) system for tracking, reporting, and summarizing exposures of members of the Armed Forces, including members of the reserve components thereof, to traumatic events, and for other purposes; to the Committee on Armed Services.

By Mr. BURR:

S. 2369. A bill to require the Director of the Office of Management and Budget to consider Brunswick County, North Carolina to be part of the same metropolitan statistical area as Wilmington, North Carolina; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COBURN (for himself and Mrs. MCCASKILL):

S. 2370. A bill to rescind unused earmarks provided for the Department of Transportation, and for other purposes; to the Committee on Appropriations.

By Mr. PORTMAN (for himself, Mr. GRAHAM, Mr. KIRK, Mr. CHAMBLISS, Mr. FLAKE, Mr. BLUNT, Mr. JOHANNES, Mr. INHOFE, Mr. CRAPO, Mr. RUBIO, Mr. BARRASSO, Mr. THUNE, Mr. SCOTT, Mr. VITTER, Ms. AYOTTE, Mr. LEE, Mr. BURR, and Mrs. FISCHER):

S. 2371. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of major revenue legislation; to the Committee on the Budget.

By Mr. BENNET (for himself and Mr. PORTMAN):

S. 2372. A bill to provide additional oversight and guidance to the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARKEY (for himself, Mr. SCHATZ, Mrs. GILLIBRAND, and Ms. WARREN):

S. 2373. A bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Ms. HIRONO):

S. 2374. A bill to improve college affordability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 2375. A bill to amend the Communications Act of 1934 to facilitate paid television service in certain counties, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 2376. A bill to designate the buildings occupied by the Department of Transportation

located at 1200 New Jersey Avenue, Southeast, and 1201 4th Street, Southeast, in the District of Columbia as the "James L. Oberstar United States Department of Transportation Building Complex"; to the Committee on Environment and Public Works.

By Ms. AYOTTE:

S. 2377. A bill to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2378. A bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, to amend the Children's Online Privacy Protection Act of 1998 to improve provisions relating to collection, use, and disclosure of personal information of children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2379. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOKER:

S. 2380. A bill to amend title 49, United States Code, to improve the national freight policy of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RUBIO (for himself, Mr. COONS, Mr. MENENDEZ, Mr. INHOFE, Mrs. FISCHER, Mr. CRUZ, Mr. MCCAIN, Mr. VITTER, Mr. MORAN, Mrs. SHAHEEN, Mr. BOOZMAN, Ms. AYOTTE, Mr. DURBIN, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. ISAKSON, Mr. BURR, Ms. MIKULSKI, and Mr. COBURN):

S. Res. 453. A resolution condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself, Ms. MIKULSKI, Ms. WARREN, and Ms. COLLINS):

S. Res. 454. A resolution recognizing that cardiovascular disease continues to be an overwhelming threat to women's health and the importance of providing basic, preventive heart screenings to women wherever they seek primary care; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 209

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 209, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 495

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 495, a bill to amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

S. 709

At the request of Ms. STABENOW, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 948

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 948, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

S. 1011

At the request of Mr. JOHANNES, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1040

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1040, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 1066

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1066, a bill to allow certain student loan borrowers to refinance Federal student loans.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1184

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 1184, a bill to amend title XVIII of the Social Security Act to include information on the coverage of intensive behavioral therapy for obesity in the Medicare and You Handbook and to provide for the coordination of programs to prevent and treat obesity, and for other purposes.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Indiana (Mr.



DONNELLY) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1445

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 1507

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1507, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of general welfare benefits provided by Indian tribes.

S. 1577

At the request of Mr. MANCHIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1577, a bill to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction.

S. 1700

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1700, a bill to amend the Children's Online Privacy Protection Act of 1998 to extend, enhance, and revise the provisions relating to collection, use, and disclosure of personal information of children, to establish certain other protections for personal information of children and minors, and for other purposes.

S. 1708

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1708, a bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for other purposes.

S. 1733

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1733, a bill to stop exploitation through trafficking.

S. 1968

At the request of Mr. ALEXANDER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1968, a bill to allow States to let Federal funds for the education of disadvantaged children follow low-income

children to the accredited or otherwise State-approved public school, private school, or supplemental educational services program they attend.

S. 2004

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2013

At the request of Mr. RUBIO, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from South Carolina (Mr. SCOTT), the Senator from Nebraska (Mr. JOHANNES), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2125

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2125, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 2141

At the request of Mr. REED, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Kentucky (Mr. McCONNELL) were added as cosponsors of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2152

At the request of Ms. HEITKAMP, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2152, a bill to direct Federal investment in carbon capture and storage and other clean coal technologies, and for other purposes.

S. 2154

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2154, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children Program.

S. 2162

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2162, a bill to amend the Internal Revenue Code of 1986 to establish a deduction for married couples who are both employed and have young chil-

dren and to increase the earned income tax credit for childless workers, and to provide for budget offsets.

S. 2270

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. RUBIO), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. HOEVEN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2302

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2304

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2304, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S. 2316

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2316, a bill to require the Inspector General of the Department of Veterans Affairs to submit a report on wait times for veterans seeking medical appointments and treatment from the Department of Veterans Affairs, to prohibit closure of medical facilities of the Department, and for other purposes.

S. 2335

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2335, a bill to exempt certain 16 and 17 year-old children employed in logging or mechanized operations from child labor laws.

S. 2349

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2349, a bill to establish a grant program to enable States to promote participation in dual enrollment programs, and for other purposes.

S. RES. 348

At the request of Mr. BURR, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 348, a resolution expressing support for the internal rebuilding, resettlement, and reconciliation within



Sri Lanka that are necessary to ensure a lasting peace.

S. RES. 412

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 412, a resolution reaffirming the strong support of the United States Government for freedom of navigation and other internationally lawful uses of sea and airspace in the Asia-Pacific region, and for the peaceful diplomatic resolution of outstanding territorial and maritime claims and disputes.

S. RES. 421

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

S. RES. 451

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 451, a resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record.

AMENDMENT NO. 3161

At the request of Mr. TOOMEY, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 3161 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3167

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 3167 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

AMENDMENT NO. 3174

At the request of Mr. TOOMEY, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 3174 intended to be proposed to H.R. 3474, a bill to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage

under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2366. A bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I know that many students across the country are waiting on the edge of their seats and looking forward to school letting out shortly for their summer break. But for many of those kids who participate in school meal programs, the summer can be a pretty uncertain time—not knowing when or where they are going to get their next meal. It can be a stressful time for those kids' parents as well, who have to stretch every dollar they have to feed their family today.

That is a struggle Nicole, a single mom from my home State of Washington, knows all too well. She has been unemployed now for about a year. She has two kids. She has a daughter who is finishing kindergarten and a son who is just finishing fifth grade. They have relied on SNAP benefits to help pay for their groceries and school meals to get help during the school year. But Nicole says that last summer, without school-provided meals, it was particularly difficult to put enough food on the table to feed her kids.

Today I am here introducing a bill that will help families like Nicole's and many across the country. It is a bill to make sure more children can get the nutrition they need during the summer break. When school is in session, millions of kids from low-income families can get free or reduced-price meals through our National School Lunch Program. But during the summer, hunger goes up in this country about 34 percent for families with school-aged kids, according to a study.

Right now we do have a Federal congregate summer meals program, of which I have long been supportive. It is called the Summer Food Service Program. It is very successful in some areas of our country. I always look forward to working with my colleagues to strengthen and expand that program to make sure it is reaching as many children as possible.

But in a study from 2012, summer congregate meals programs only reached about 14 percent of the students who qualified for free or reduced-priced meals during the school year. That adds up to tens of millions of kids across our country who do not have access to meal programs in the summer.

In my home State of Washington, just 9.8 percent of those kids partici-

pated in 2012. That means those kids are more likely to deal with hunger or food insecurity. That is unacceptable to me. When it comes to ensuring that our kids grow up with the nutrition they need to learn and to thrive, there are no excuses.

We have to do more to fight summer hunger. That is why I am here today introducing legislation called the Stop Child Summer Hunger Act. The bill is pretty simple. It provides families with an EBT card that will help them afford groceries during the summer months to replace the meals those kids would otherwise have gotten at school. It is based on a very successful pilot program that has proven now to decrease hunger by 33 percent. Some of the demonstration projects had participation rates as high as 90 percent. Scaling up that program with the Stop Child Summer Hunger Act will help more children get the nutrition they need in the summer months.

The bill is fully paid for. We do that by closing a tax loophole that actually encourages U.S. companies to shift our jobs and profits offshore. From my perspective, that is a pretty fair trade. It will encourage companies to keep jobs and profits here in America. At the same time, it will help kids get the nutrition they need during the summer.

Fighting hunger, especially among kids, is an issue that is extremely important to me. I have told this body before that when I was just a teenager—15 years old—my dad, who fought in World War II, was diagnosed with multiple sclerosis. Within a few years he could not work any longer. My mom had to go to work and find a job. It did not pay anywhere near enough to support seven kids and a husband who had a growing stack of medical bills. So for several months when I was young, we had to rely on food stamps. It was not much, but I remember it helping to get my family by during a very tough time. So I know how hard it is for families who are struggling to put food on the table.

As adults, I believe it is our moral responsibility to take care of our children, to make sure they can grow up healthy and to make sure they have every opportunity to thrive and learn. I hope we can live up to this responsibility by tackling this problem and helping more kids get the nutrition they need to live healthy lives. I hope this body can work with me to make sure that kids who are now looking forward to their summer break can enjoy it free from hunger.

By Mr. WYDEN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2379. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the

Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce a bill that would authorize the implementation of the landmark agreements that settle some of our country's most complex and contentious water allocation and species preservation issues. Water management crises this century have made the Klamath Basin nationally known, with all interests having experienced devastating water years. Overcoming that adversity, the parties in the basin have spent years coming together to hammer out solutions—essentially giving up their right to obstruct in the name of the greater good. With this bill the basin should now be known for the dedicated and enduring collaborative efforts that have honed in on a sustainable and more economically certain future for the basin—an example that other regions can emulate for their watershed challenges. It is time for Congress to place its seal of approval and set about implementing these agreements to restore the basin by passing the Klamath Water Recovery and Economic Restoration Act of 2014.

I am pleased to be joined by three colleagues on this bill. Senator MERKLEY has tirelessly worked to support the collaborative approach undertaken by two states, four Tribes, multiple Federal agencies, and countless stakeholders. Senators FEINSTEIN and Boxer have answered the call for communities reeling from unprecedented drought, and the Klamath Basin—spanning Oregon and California—is yet another illustration of their efforts to assist communities in need while supporting fish and wildlife. Together, we are committed to working with our colleagues in the Senate and House to advance this bill and get it signed by the President.

The story of the Klamath Basin revolves around water. Congress authorized a federal irrigation project for the basin in 1905. Now the Klamath Project provides water service to roughly 210,000 acres of productive farmland—producing such crops as potatoes, cereal grains, sugar beets, alfalfa and other hay, and irrigated pastures for beef cattle. The Klamath Hydroelectric Project supports power needs in the basin with seven dams, the last of which was built more than 50 years ago. Water needs for irrigation have increasingly come into conflict with the needs of fish and wildlife. In 1908, President Teddy Roosevelt established the nation's first waterfowl refuge, Lower Klamath National Wildlife Refuge. The importance of the basin for migratory birds along the Pacific Flyway saw the later creation of the Clear Lake, Tule Lake, Upper Klamath, Bear Valley, and Klamath Marsh National Wildlife Refuges. The basin is also home to 13 species of anadromous fish. Three of these species are listed under the Endangered Species Act, including the endangered listing of the Lost River and shortnose suckers in 1988, the threatened listing

of coho salmon in 1997, and the threatened listing of bull trout in 1999. These fisheries—particularly salmon and suckers—are important to the six federally recognized tribes in the basin. Water demand often far exceeds the amount of water in a given year, setting up a situation ripe for conflict.

That conflict grew to a head in the early 2000s. In 2001, biological opinions about the water necessary for endangered fish resulted in the Bureau of Reclamation of the Department of the Interior withholding much of the water that would have normally gone to Klamath Project irrigators. Researchers for Oregon State estimated that the water curtailment would have, in the absence of public and private emergency mitigation efforts, reduced agricultural output in the Upper Basin by \$82 million, about 20 percent, and regional employment by almost 2,000 jobs. Then in 2002, low water flows and poor water health caused the death of as many as 70,000 fall chinook before they could navigate up the Klamath and spawn, in an event known as the “2002 fish kill.” The rancor and legal conflicts only intensified with these events, creating uncertainty in the basin that has impeded overall growth and prosperity.

Instead of accepting a future determined by acrimonious and costly legal battles over the water, stakeholders in the basin came together to chart a different path. They recognized that their respective interests could be better met through cooperative efforts designed to enhance species recovery, the certainty of agricultural operations, and stability in the basin for economic growth and civic relations. Years of complex and challenging work culminated in two historic agreements in 2010—the Klamath Basin Restoration Agreement, KBRA, and the Klamath Hydroelectric Settlement Agreement, KHSA. The KBRA settles water disputes in exchange for greater water certainty for farmers and ranchers, water for fish and wildlife needs, reduced power costs for irrigators, and restoration efforts for fisheries. The KHSA sets out a process whereby four hydroelectric dams may be removed, at no federal cost, should removal be in interest of fish restoration and the public interest considering local community impacts. Together these cooperative efforts can achieve more for the basin than asserting individual interests could. The collective efforts will promote economic stability and growth, while ensure a full suite of restoration efforts are in place for the recovery of listed fish species.

The latest agreement in the basin became final just this year, the Upper Basin Comprehensive Agreement, UBA. I am especially proud of the work that produced the UBA, having helped convene the special task force that worked mightily to find agreement on the key remaining issues in the basin. The task force came about after a June 2013 Senate Energy and Natural Resources

Committee hearing on water issues in the basin that I chaired. The Committee heard from 17 diverse witnesses and received roughly 4,000 comments via email prior to the hearing. Most acknowledged the clear impetus for a comprehensive solution given that the Oregon Water Resources Department found in March 2013 that the Klamath Tribes held a time immemorial water right, making them the most senior water right holder in the basin. And after months of arduous work on the task force, members including irrigators, environmentalists, and tribes found common ground on habitat protection and restoration and swallowed hard to reduce the federal expenditures needed as I had called for in the Senate. The UBA lays out specific water management and restoration measures for the Upper Basin, including 30,000 acre feet of increased stream flows into Upper Klamath Lake. The agreement provides crucial economic certainty to small business in the basin who sell equipment to farmers growing the crops, certainty for the cattle ranchers who manage their herds, certainty for the tribes who want to pursue promising opportunities in forestry, like biomass and other economic development.

The Klamath Basin Water Recovery and Economic Restoration Act of 2014 authorizes these historic agreements and paves the way for the restoration work needed to achieve their goals. In so doing, it sets out a new cooperative management plan that the Bureau of Reclamation will administer. For the first time, the Klamath Reclamation Project will include fish, wildlife, and National Wildlife Refuges as authorized purposes for the project. This will allow water managers to increase in-stream flows and lake levels. Private landowners and others will undertake permanent protections for riparian areas and other enhancements that will help restore hundreds of miles of fish habitat. Fish biologists estimate that these efforts will boost annual production of adult Chinook salmon by 80 percent. Additional water and flexible releases for the National Wildlife refuges means greater numbers of migratory waterfowl, non-game water birds, wintering bald eagles, and other sensitive species.

Achieving these benefits for fish and wildlife correspond to economic benefits to the basin. The restoration efforts will also produce jobs. The Department of the Interior calculates that more than 4,000 farming, ranching, commercial and recreational fishing, construction, and other jobs will be created or preserved. The water management plan provides for more predictable water for farmers and ranchers to ensure irrigated agriculture continues in the basin. A drought management plan assists in navigating the challenges created by drought and climate change in the basin. To deal with the escalating electric costs faced by irrigators, the bill lays out a path to

affordable power including renewable energy development. There are also economic benefits to tribes, beyond what a water right alone can achieve. The legislation sets up an economic development fund for the Klamath Tribes so they can create tribal jobs while sustainably managing their natural resources. By modifying some parties' interests for the greater good, the basin can move beyond years of polarizing debate and create a stable future from which to plan and prosper.

These historic agreements didn't happen by osmosis. They represent years of hard work among parties who have stood up to incredible pressures and made very real sacrifices to better their communities and the associations they represent. I have thanked many parties for their dedication over the course of these agreements and want to again express my deepest thanks to the members of the task force and those who went before them to tee up the work for Congress. With this bill, it is now time for Congress to step up and deliver on this package of agreements. The spirit of compromise on these thorny water issues has a message for not just Congress, but provides an example of how other vexing water situations across the Nation can sit down to work out their differences.

By Mr. BOOKER:

S. 2380. A bill to amend title 49, United States Code, to improve the national freight policy of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BOOKER. Mr. President, I rise today to introduce the Freight Priorities Act, which takes an all-of-the-above approach to addressing our Nation's freight needs. We must improve the movement of freight and strengthen our economic competitiveness by examining a comprehensive, multimodal, national network that includes not just our major highways, but our rail, seaports, local roads and intermodal facilities. This bill would authorize the Department of Transportation to broaden our approach to freight policy, set goals for reducing air pollution, and creates a pilot program to study the disproportionate impacts on urban communities that can be caused by the movement of freight.

In 2011, 17.6 billion tons of goods were transported throughout the United States, valued at more than \$16.8 trillion. The Federal Highway Administration estimates there will be a 60 percent increase of freight being moved over the next 30 years.

In New Jersey, hundreds of millions of tons of freight are annually shipped through our ports, by rail, and highways. The port of New York and New Jersey, as of 2012, supported over 296,000 jobs and 28.9 billion in business income. This major economic engine drives New Jersey's economy and boosts U.S. economic competitiveness. However, too often, our lack of invest-

ment and our limited focus on the highway network causes our freight to get stuck in congested, heavily trafficked urban areas. Extended truck, rail and ship idling negatively impacts the health and air quality of local urban communities. With a slight adjustment of our priorities and a strong national commitment to investing in our infrastructure, we can dramatically reduce congestion, improve the health of American communities, make sure goods get where they need to go faster and cheaper, strengthen our economy and create jobs.

The Freight Priorities Act sets goals for increasing efficiencies. It outlines goals to reduce air pollution and congestion, and requires the inclusion of port authorities in freight infrastructure investment decisions. The bill requires DOT to meet performance measures for all modes of freight movement, and establishes a pilot program that will help find ways to reduce the impact on local communities and help create access to jobs at ports and other multimodal facilities.

By refocusing our priorities, we will ensure that the smartest, most-cost effective projects secure funding. In New Jersey this could mean investing in the Raritan intermodal hub project in Essex, Union and Middlesex counties, which would create a direct connection for freight cars to access the port of New York and New Jersey. The project would relieve congestion on the roads and shift freight off of Amtrak's passenger lines. This bill would also prioritize investments that reduce air pollution, such as shore power technology at the port of Newark, which would help reduce emissions by allowing major cargo vessels to plug into the electric grid while at port.

Rather than finding ways to merely skate by on the limited infrastructure funds we have each year, the conversation we should be having in Congress is how we can dramatically increase investments in our infrastructure and improve the safety and functionality of our entire network that transports both people and goods. This bill is a strong step in that direction. I urge my colleagues to join me in supporting this important piece of legislation, and look forward to working with my colleagues on the Senate Commerce Committee to carry these priorities as we draft our portion of the Surface Transportation Reauthorization bill.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 453—CON-DEMNING THE DEATH SENTENCE AGAINST MERIAM YAHIA IBRAHIM ISHAG, A SUDANESE CHRISTIAN WOMAN ACCUSED OF APOSTASY

Mr. RUBIO (for himself, Mr. COONS, Mr. MENENDEZ, Mr. INHOFE, Mrs. FISCHER, Mr. CRUZ, Mr. MCCAIN, Mr. VITTER, Mr. MORAN, Mrs. SHAHEEN, Mr. BOOZ-

MAN, Ms. AYOTTE, Mr. DURBIN, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. ISAKSON, Mr. BURR, Ms. MIKULSKI, and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 453

Whereas, on May 15, 2014, a Sudanese court affirmed a sentence of death by hanging for 27-year old Meriam Yahia Ibrahim Ishag, a Christian woman accused of apostasy for refusing to recant her Christian faith, and ordered her to receive 100 lashes for adultery because under Sudan's Shari'ah law such inter-religious marriages are illegal;

Whereas Ibrahim is eight months pregnant and being held in the Omdurman Federal Women's Prison with her 20-month old son;

Whereas the Department of State has designated Sudan as a "Country of Particular Concern" under the International Religious Freedom Act of 1998 (Public Law 105-292) based on the government's systematic, ongoing, and egregious violations of religious freedom since 1999;

Whereas the Sudanese 1991 Criminal Code allows for death sentences for apostasy, stoning for adultery, cross-amputations for theft, prison sentences for blasphemy, and floggings for undefined acts of "indecentcy";

Whereas, according to the United States Commission on International Religious Freedom (USCIRF), the Government of Sudan, led by President Omar Hassan al-Bashir, continues to engage in systematic, ongoing, and egregious violations of religious freedom or belief, imposes a restrictive interpretation of Shari'ah law on Muslims and non-Muslims alike and, along with other National Congress Party leaders, President al-Bashir has stated that Sudan's new constitution, when drafted, will be based on its interpretation of Shari'ah;

Whereas, according to USCIRF, since South Sudan's independence from Sudan in 2011, the number and severity of harsh Shari'ah-based judicial decisions in Sudan has increased, including sentences of amputation for theft and sentences of stoning for adultery;

Whereas the United States Government has designated Sudan as a State Sponsor of Terrorism since August 12, 1993, for repeatedly providing support for acts of international terrorism;

Whereas the Sudanese 2005 Interim Constitution states that "[t]he State shall respect the religious rights to (a) worship or assemble in connection with any religion or belief";

Whereas the International Covenant on Civil and Political Rights, which the Government of Sudan has acceded, provides that "everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.";

Whereas the Pew Research Center's Forum on Religion & Public Life found that, as of 2011, 10 percent of the 198 countries surveyed had apostasy laws which can, and have been, used to punish both Muslims and non-Muslims in countries such as Afghanistan, Pakistan, Morocco, and Sudan; and

Whereas people have the right to practice their faith without fear of death or persecution: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the charge of apostasy and death sentence of Meriam Yahia Ibrahim Ishag and calls for immediate and unconditional release of her and her son;

(2) encourages efforts by the United States Government to support religious freedom within Sudan, including by requiring, before normalizing relations or lifting sanctions under the International Religious Freedom Act of 1998 (Public Law 105-292) and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), that the Government of Sudan abide by international standards of freedom of religion or belief;

(3) urges the Government of Sudan to ensure that, when drafting the country's new constitution, the process is transparent and inclusive of civil society leaders and representatives of all major political parties, to ensure that the new constitution includes protections for freedom of religion or belief, respect for international human rights commitments, and recognition of Sudan as a multireligious, multiethnic, and multicultural nation;

(4) recognizes that every individual regardless of religion should have the opportunity to practice his or her religion without fear of discrimination;

(5) reaffirms the commitment of the United States Government to end religious discrimination and to pursue policies that guarantee the basic human rights of all individuals worldwide; and

(6) encourages the Department of State and the United States Agency for International Development to continue their support for initiatives worldwide that support religious freedom.

#### SENATE RESOLUTION 454—RECOGNIZING THAT CARDIOVASCULAR DISEASE CONTINUES TO BE AN OVERWHELMING THREAT TO WOMEN'S HEALTH AND THE IMPORTANCE OF PROVIDING BASIC, PREVENTIVE HEART SCREENINGS TO WOMEN WHEREVER THEY SEEK PRIMARY CARE

Ms. MURKOWSKI (for herself, Ms. MIKULSKI, Ms. WARREN, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

##### S. RES. 454

Whereas heart disease remains the leading cause of death for women in the United States, causing 1 in 4 female deaths and more female deaths than all forms of cancer combined;

Whereas since 1984, the number of women who have died from heart disease exceeds the number of men who have died from heart disease;

Whereas the rate of cardiovascular death is increasing by 1 percent each year among women ages 35 to 44;

Whereas heart disease claims the lives of nearly 422,000 women each year;

Whereas almost half of African American women have some form of cardiovascular disease, and African American women are more likely to die from heart disease than white women;

Whereas heart disease and stroke account for \$312,600,000,000 in health care expenditures and lost productivity annually;

Whereas only 54 percent of women recognize that heart disease is the leading cause of death for women, and almost ¾ of women who unexpectedly die of heart disease have no previous symptoms of disease;

Whereas many women, especially younger women, may not be aware of their risk for heart disease because they have never gotten a basic, preventive heart screening and have no symptoms;

Whereas studies show that nearly 1 in 5 women rely solely on their obstetrician and

gynecologist ("OB/GYN") for primary care, yet only 35 percent of women recall having even discussed heart disease with their OB/GYN;

Whereas early identification of cardiovascular disease risk factors such as high blood pressure, smoking, excessive weight and obesity, high cholesterol, and diabetes allows for more effective intervention and treatment, and can dramatically lower a woman's overall risk of heart disease and heart attack;

Whereas the burden of women's heart disease can be reduced in the United States by encouraging primary care providers to offer women basic, preventative heart disease screenings;

Whereas experts recommend and encourage that a basic, preventive heart screening be a routine part of a woman's visit to a primary care practitioner; and

Whereas once women understand their risk, they still need follow-up information, support, and incentives to maintain cardiovascular health and make the most informed decisions: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that, despite improved education and awareness, heart disease remains the number 1 killer of women in the United States;

(2) recognizes the importance of making basic, preventive cardiovascular screening available for women as recommended, so that all women can know the risks they face and what can be done to reduce them;

(3) recognizes that basic, preventive heart disease screenings are recommended to be a routine part of women's health care; and

(4) commits to improving the heart health of all women, tearing down the barriers that prevent women from getting screened for heart disease, ensuring women are provided with personalized lifestyle modification recommendations and support, and ensuring every woman has a healthy heart.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 21, 2014, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 21, 2014, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled "Delivering Better Health Care Value to Customers: the First Three Years of the Medical Loss Ratio".

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 21, 2014, at 2 p.m. in room SD-215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m., to hold a hearing entitled "Authorization For Use of Military Force After Iraq And Afghanistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 21, 2014, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled "Indian Education Series: Ensuring the Bureau of Indian Education has the Tools Necessary to Improve."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 21, 2014, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Federal Bureau of Investigation."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON AFRICAN AFFAIRS AND SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 21, 2014, at 2:15 p.m., to hold an African Affairs and East Asian and Pacific Affairs subcommittee hearing entitled, "The Escalating International Wildlife Trafficking Crisis: Ecological, Economic and National Security Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON PERSONNEL

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 21, 2014, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SOCIAL SECURITY, PENSIONS, AND FAMILY POLICY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Social Security, Pensions, and Family Policy of the Committee on Finance be authorized to

meet during the session of the Senate on May 21, 2014, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Social Security to Meet the Needs of Tomorrow's Retirees."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RELIABLE HOME HEATING ACT

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 379.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2086) to address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science & Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Reliable Home Heating Act".*

##### SEC. 2. AUTHORITY TO EXTEND EMERGENCY DECLARATIONS FOR PURPOSES OF TEMPORARILY EXEMPTING MOTOR CARRIERS PROVIDING EMERGENCY RELIEF FROM CERTAIN SAFETY REGULATIONS.

(a) **DEFINED TERM.**—*In this Act, the term "residential heating fuel" includes—*

- (1) heating oil;
- (2) natural gas; and
- (3) propane.

(b) **AUTHORIZATION.**—*If the Governor of a State declares a state of emergency caused by a shortage of residential heating fuel and, at the conclusion of the initial 30-day emergency period (or a second 30-day emergency period authorized under this subsection), the Governor determines that the emergency shortage has not ended, any extension of such state of emergency by the Governor, up to 2 additional 30-day periods, shall be recognized by the Federal Motor Carrier Safety Administration as a period during which parts 390 through 399 of chapter III of title 49, Code of Federal Regulations, shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area so designated as under a state of emergency.*

(c) **RULEMAKING.**—*The Secretary of Transportation shall amend section 390.23(a)(1)(ii) of title 49, Code of Federal Regulations, to conform to the provision set forth in subsection (b).*

(d) **SAVINGS PROVISION.**—*Nothing in this section may be construed to modify the authority granted to the Federal Motor Carrier Safety Administration's Field Administrator under section 390.23(a) of title 49, Code of Federal Regulations, to offer temporary exemptions from parts 390 through 399 of such title.*

##### SEC. 3. ENERGY INFORMATION ADMINISTRATION NOTIFICATION REQUIREMENT.

*The Administrator of the Energy Information Administration, using data compiled from the Administration's Weekly Petroleum Status Reports, shall notify the Governor of each State in a Petroleum Administration for Defense District if the inventory of residential heating fuel within such district has been below the most recent 5-year average for more than 3 consecutive weeks.*

#### SEC. 4. REVIEW.

*Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study of, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the impacts of safety from the extensions issued by Governors according to this Act. In conducting the study, the Secretary shall review, at a minimum—*

- (1) *the safety implications of extending exemptions; and*
- (2) *a review of the exemption process to ensure clarity and efficiency during emergencies.*

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items, which are post office-naming bills: Calendar Nos. 385, 386, 387, 388, and 389, and that we do those en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent the bills be read a third time and passed and the motions to reconsider be laid upon the table, with no intervening action or debate on any one of the five.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL PARK RANGER MARGARET ANDERSON POST OFFICE

The bill (H.R. 1036) to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office," was ordered to a third reading, was read the third time, and passed.

#### CORPORAL JUSTIN D. ROSS POST OFFICE BUILDING

The bill (H.R. 1228) to designate the facility of the United States Postal Service located at 123 South 9th Street in De Pere, Wisconsin, as the "Corporal Justin D. Ross Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### STAFF SERGEANT NICHOLAS J. REID POST OFFICE BUILDING

The bill (H.R. 1451) to designate the facility of the United States Postal

Service located at 14 Main Street in Brockport, New York, as the "Staff Sergeant Nicholas J. Reid Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### LANCE CORPORAL PHILLIP VINNEDGE POST OFFICE

The bill (H.R. 2391) to designate the facility of the United States Postal Service located at 5323 Highway N in Cottleville, Missouri, as the "Lance Corporal Phillip Vinnedge Post Office," was ordered to a third reading, was read the third time, and passed.

#### SERGEANT WILLIAM MOODY POST OFFICE BUILDING

The bill (H.R. 3060) to designate the facility of the United States Postal Service located at 232 Southwest Johnson Avenue in Burleson, Texas, as the "Sergeant William Moody Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### EXPRESSING GRATITUDE AND APPRECIATION TO MEMBERS OF THE UNITED STATES ARMED FORCES AT NORMANDY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 381, S. Res. 421.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 421) expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 10, 2014, under "Submitted Resolutions.")

#### NATIONAL CANCER RESEARCH MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 445 and the Senate proceed to its consideration.



The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 445) recognizing the importance of cancer research and the contributions of scientists, clinicians, and patient advocates across the United States who are dedicated to finding a cure for cancer, and designating May 2014 as "National Cancer Research Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 445) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of May 14, 2014, under "Submitted Resolutions.")

#### RECOGNIZING THE THREAT OF CARDIOVASCULAR DISEASE TO WOMEN'S HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 454.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 454) recognizing that cardiovascular disease continues to be an overwhelming threat to women's health and the importance of providing basic preventive heart screenings to women wherever they seek primary care.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 454) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR THURSDAY, MAY 22, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, May 22, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate will be in a period of morning business until 1:45 p.m., with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes, the Republicans controlling the second 30 minutes, and the final 10 minutes equally divided and controlled between Senators LEAHY and PAUL or their designees, with Senator LEAHY controlling the final 5 minutes; and that at 1:45 p.m. the Senate vote on confirmation of the Barron nomination, with all other provisions of previous order remaining in effect; further, that upon disposition of the Barron nomination, the Senate resume legislative session, and pursuant to the previous order, the Chair lay before the Senate the message with respect to the conference report to accompany H.R. 3080; that there be 2 minutes of debate equally divided and controlled in the usual form prior to the adoption of the conference report, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at 1:45 p.m. tomorrow.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, May 22, 2014, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

ARMANDO ORMAR BONILLA, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EDWARD J. DAMICH, TERM EXPIRED.

PATRICIA M. MCCARTHY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE EMILY CLARK HEWITT, RETIRED.

JERI KAYLENE SOMERS, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE GEORGE W. MILLER, RETIRED.

#### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIGADIER GENERAL DANIEL R. AMMERMAN  
BRIGADIER GENERAL SCOTTIE D. CARPENTER  
BRIGADIER GENERAL PHILLIP M. CHURN, SR.  
BRIGADIER GENERAL ALLAN W. ELLIOTT  
BRIGADIER GENERAL A.CJR. ROPER  
BRIGADIER GENERAL TRACY A. THOMPSON

#### To be brigadier general

COLONEL SANDRA L. ALVEY  
COLONEL JAMES A. BLANKENHORN  
COLONEL DAVID E. ELWELL  
COLONEL STEVEN T. EVEKER  
COLONEL CARLTON FISHER, JR.  
COLONEL LEELEA J. GRAY  
COLONEL DARRELL J. GUTHRIE  
COLONEL MARY-KATE LEAHY  
COLONEL FREDERICK R. MAIOCCO, JR.  
COLONEL JONATHAN J. MCCOLUMN  
COLONEL GREGORY J. MOSSER  
COLONEL BARBARA L. OWENS  
COLONEL JOE D. ROBINSON  
COLONEL ALBERTO C. ROSENDE  
COLONEL RICHARD C. STAATS  
COLONEL CHRISTOPHER W. STOCKEL  
COLONEL KELLY E. WAKEFIELD  
COLONEL JASON L. WALRATH  
COLONEL DONNA R. WILLIAMS

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 2014:

#### DEPARTMENT OF JUSTICE

DAMON PAUL MARTINEZ, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

#### FEDERAL RESERVE SYSTEM

STANLEY FISCHER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2006.

#### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ELISEBETH COLLINS COOK, OF VIRGINIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2020.

#### DEPARTMENT OF JUSTICE

DEIRDRE M. DALY, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

JAMES WALTER FRAZER GREEN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.